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THE PUBLIC MAN

HIS DUTIES, POWERS, AND PRIVILEGES

AND HOW TO EXERCISE THEM

BY

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NOTE.

In order to prevent misunderstanding, it appears necessary to call attention to the difference between PARISH *Meetings* and PUBLIC *Meetings*.

PARISH *Meetings* are meetings of parochial electors held under the authority of the Local Government Act of 1894. By them parish councillors are appointed and other parish business transacted. See chapter viii.

PUBLIC *Meetings* are held to discuss matters of various kinds, and are not held under any statutable authority, consequently they have no fixed rules or regulations. See chapter ix.

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PREFACE.

SINCE the publication, in 1893, of my book, *A Guide to the Business of Public Meetings*, the duties, powers and privileges of those taking part in those meetings have so largely changed, that the time appears ripe for a more fully-developed work on the same subject; and as those duties have to be performed in connection with the various bodies by which we are governed, it appears desirable to incorporate a brief sketch of our form of government, and the constitution and powers of those bodies.

The desire to represent one's neighbours in these parliaments, imperial as well as local, is a laudable ambition, and in many cases arises from ambition alone. Some there are, who, prompted by self-interest, or self-aggrandisement, seek office; but the liberty of speech, the freedom of the press, and the fierce search-light that investigates and shows up all jobbery and corruption in the present day, are sure to bring out such malpractices at some time or other, and make such men hide their heads under the judgment of public opinion. But the man who takes part in public business, at the

solicitation of his friends and neighbours, or with a sense of duty, and in a spirit of sincere patriotism, and who makes his private interests subservient to the public, will generally find his reward in the esteem and respect of his fellow-men, and in the consciousness of having done his duty.

To acquire a knowledge of the various offices to which the public are eligible, the times and manner of elections, the forms and regulations in use, and the *modus operandi* to be pursued, generally, in meetings for the transaction of public business of all kinds (from the Houses of Parliament down to Parish Meetings), constitutes a special education in itself, and my object is to endeavour to impart some matters that will assist in that education.

The changes in local government, above alluded to, have been chiefly brought about by the passing of the Parish Councils Act, 1894 (56 and 57 Victoria, chap. 73), which, although it gives few new powers, revives, with modifications suited to the present day, rights and conditions such as have existed since a very early period of our history, and encourages the masses of the people to take part in the management of public affairs, that they may be educated and fitted for the free exercise of those rights and privileges which have long lain dormant, and the intelligent use of which, it is contended, must add to the efficient local governance, as well as to the happiness and prosperity of the nation.

I have given such extracts from the Local Government Acts, 1871 and 1888, the Parish Councils Act, 1894, and other Acts of Parliament bearing on the subject, as deal with the constitution of the several public boards, the qualifications of members, the times and places of meetings, etc.

Some readers, who are members of a certain body, say, for instance, "District Councils," may require information as to the proceedings of those bodies only. I have endeavoured to keep everything relating to each branch in its own proper chapter. This has necessitated the splitting up the Parish Councils Act into parts, and arranging them differently from the Act itself. I trust the result will be a convenience to readers.

The rules for regulating the business of such public meetings as are not held under statutable authority must, perforce, be somewhat arbitrary, but will be found to run on similar lines to those in use by the local governing bodies controlled by Act of Parliament, and when put in force by a judicious chairman, will, I submit, be found adapted to the purpose.

With a view to render the work complete I have thought it desirable to add a chapter on School Boards (chap. xi.), with their rules and regulations. It appears very necessary that the rising generation should have an early insight of the government under which they live, and of those duties and powers which many of them will hereafter be

called upon to carry out, and to this end "civic duty" is now being taught in some of the evening classes of elementary schools.

The public have shown by the large demand for my *former* book (a second edition of which is now being issued) that they appreciate it, and I therefore, with confidence, submit the *present*, as a guide to the duties, powers and privileges of *a public man.*

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THE PUBLIC MAN

CHAPTER I.

THE VOICE OF THE PEOPLE.

AT a very early period in sacred history it is recorded that the elders of Israel said to the prophet Samuel, "Make us a king to govern us, like all the nations," and a Divine command was given to Samuel, "Hearken unto *the voice of the people*, in all that they say unto thee," and although he was cautioned as to the kind of king that should reign over them, still there is Divine authority for the monarchical form of government, founded on the voice of the people, such as we have in the present day.

The constitution of Great Britain originated with, and to a very large extent is maintained by, public opinion, and its origin is hidden amidst the general obscurity which surrounds the early history of our ancestors. *The voice of the people*, assembled in public meeting, was the governing power in those remote days. The late Prince Consort, speaking of the constitution of England more than a generation ago, said: "Representative institutions are on their trial". They have been largely tried since that time, and have not been found wanting. During that trial the alterations and improvements in those institutions have been steady and progressive. Changes in a constitution should be gradual in order to be effective; not made in advance of the requirements of the times, but to keep pace

with them. Thus, avoiding violent revolutions, the wisdom of our legislators, derived from, and supported by, the good sense of the people, has made many alterations in local governance, that the increase of population and the advancement of education and civil and religious liberty have rendered necessary; and we are now in possession of such enlightened laws and such public institutions as no other nation can lay claim to.

Trial by Jury.

Among the many privileges to which British subjects are entitled, one of the most valuable is that of trial by jury, which has descended from a remote period, for the preservation of the persons and properties of the people. Every man has an inherent right, under the British Constitution, of being tried by his peers, *i.e.*, fellows or equals, and here again the voice of the people comes in.

As a consequence, it is the duty of the people to serve as jurymen. By 6 Geo. IV., c. 50, several abuses which had crept into the jury system were removed, and the institution placed on such a basis as to ensure the free and independent discharge of its judicial functions.

Complaints are sometimes heard of the hardship entailed on business people by having to serve through a long trial, but patriotism demands that some sacrifice should be made, and judges are very considerate when properly appealed to, by making an order that such jurors should be paid, or should not be called on again for a considerable time. In most counties, a man having served, is not liable again for two years; in Middlesex, two terms or vacations. All men between the age of twenty-one and sixty, and untainted by crime, are, with some exceptions, liable.

The exceptions are: Peers of the realm, judges, counsellors, attorneys, proctors, coroners, gaolers; clergymen in holy orders, Roman Catholic priests, dissenting ministers, police magistrates, physicians, surgeons and apothecaries;

sheriffs' officers, high constables and parish clerks; servants of the Royal household, licensed pilots, officers of the army, navy, and civil services on full pay, and members of the House of Commons while attending their duties in Parliament.

The question of paid jurymen occasionally crops up, but that system might possibly lead to abuses: such as men seeking the office for the sake of the pay, or by destroying the notion of justice from jurors taken indiscriminately from among the people; while favouritism and prejudice are prevented, in civil trials by each party, and in criminal trials by the Crown and the prisoner, each having an equal right to challenge, or, in other words, to object to a certain number of jurors summoned by the officers.

The jury are judges of facts, and the court of law. Thus a verdict may be either *general* or *special*. A *general* verdict is absolute and without reserve, both as to the question of law and of fact, either for the plaintiff or defendant. A *special* verdict simply specifies the facts as they find them to be proved, reserving the question of law for the adjudication of the Court. In criminal trials, the jury find the verdict, and the Court determines and declares the sentence.

Local Management.

The right of the people to manage their own local affairs is an unalterable principle of the British Constitution, acted on from time immemorial, asserted and confirmed by Magna Charta, the Bill of Rights, and many subsequent Acts of Parliament, but this right must be exercised in accordance with the common and statute law of the realm.

One good reason for the exercise of this right appears to be that the inhabitants of a certain locality should have the best knowledge of the requirements of that locality; another reason is that they are disbursing funds provided by themselves, and are therefore more likely to use a

judicious economy in such expenditure than strangers. Again it would be within the power of local authorities to deal with all matters occurring in, or affecting their own locality *immediately*, and with evidence to be obtained *at once* and *on the spot*, without the cumbersome and expensive methods adherent to centralisation; such, for instance, as reports by the local authorities to the central authority, inquiries, commissions, and orders by the latter, and ultimately directions to the local authorities what steps to take.

Members of local bodies would also have the advantage of traditions handed down from generation to generation as to rights, privileges, and customs, which, with the clear light brought to bear by discussion among neighbours in public meeting, would have a strong tendency to produce correct results. Next, the exercise of that feeling of sterling independence which influenced our forefathers when they stood face to face in public meeting, and held up the right hand in token of good faith, is not to be despised.

It is a well-known maxim that "representation and taxation should go together," but in county matters it has not always been so. The Justices of the Peace for each county have until lately been appointed by the Lord Chancellor, on the recommendation of the Lord-Lieutenant of that county, and were practically irremovable; yet the Magistrates in Quarter Sessions made county rates and controlled the expenditure for a very long period.

Professor Thorold Rogers, speaking of rural Justices, says: "There is much obscurity about the origin of this office—the time at which it was invented, and the process by which this official appears to have superseded the ancient local jurisdiction".

This power of taxing the counties has, by the Parish

Councils Act (Part 1, Sec. 3), been taken from the County Magistrates and vested in County Councils, which are elected by the ratepayers, thus confirming the principle above stated, and restoring to the people their ancient rights and privileges.

The system of centralisation is stated by Professor Toulmin Smith, a writer on this subject, to be "that system of government under which the smallest number of minds, and those knowing the least, and having the fewest opportunities of knowing it, about the special matter in hand, and having the smallest interest in its well-working, have the management of it or control over it"; and local self-government as "that system of government under which the greatest number of minds, and those knowing the most, and having the fullest opportunities of knowing it, about the special matter in hand, and having the greatest interest in its well-working, have the management of it or control over it".

Thus the two systems of centralisation and local self-government are clearly defined.

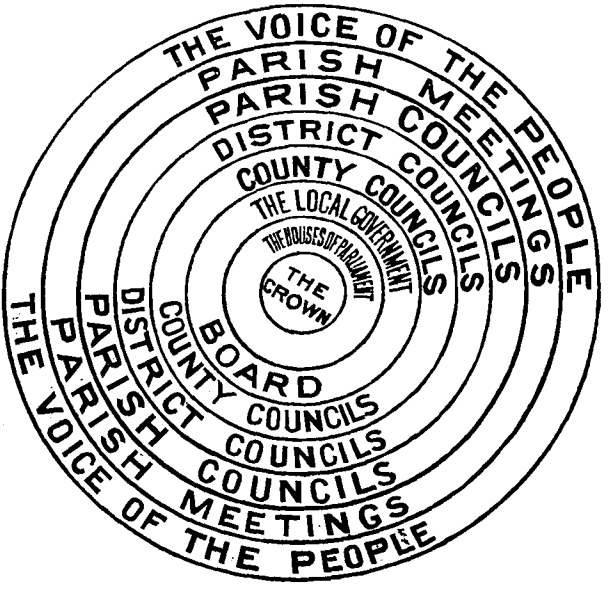
Recent legislation, under which the Local Government Board, County Councils, District Councils, Parish Councils, and Parish Meetings have been established, provides for the construction of the several parts of the machinery, which, combined with the powers derived under the common law and royal grants, should make a complete system of Local Government.

These several parts have now been put together and set in motion, and it remains to be seen how the new machine will work.

The various bodies under which our form of government is carried on may not inaptly be illustrated by a number of concentric rings, commencing with the voice of the people, the *source* of all power, diminishing in size as they increase

in importance and the extent of their powers, until they culminate in the Crown, the *representative* of all power.

Thus *The Voice of the People* forms the outer circle or base. Next come *Parish Meetings*, wherein the opinion of the people is ascertained and expressed. Then *Parish Councils*, elected by parochial electors at Parish Meetings. Next *District Councils*, also elected by parochial electors. Then *County Councils*, elected in boroughs by the burgesses, and elsewhere by county electors. Supervising the proceedings of these various bodies is *The Local Government Board*, appointed by the Crown. Then *The Houses of Parliament;* and at the head of the whole, *The Crown*, which is based on, and supported by, the same authority as the whole of the above, namely, *The Voice of the People.*



CHAPTER II.

THE CROWN.

THE Crown of these realms is hereditary, being subject, however, to special limitations by Parliament; and the king or queen has ever enjoyed various prerogatives, by prescription, custom and law, which assign to the sovereign the chief place in Parliament, and the sole executive power.

As the collective Parliament is the supreme legislature, so the right of succession and the prerogatives of the Crown itself are subject to limitations and change, by the consent and authority of the sovereign, and the three estates of the realm in Parliament assembled. Hence it is that the king is said *never to die*, as on the death of one sovereign the king survives in his successor.

The power of Parliament over the Crown is distinctly affirmed by the statute law, and recognised as an important principle of the constitution.

All the kings and queens since the Revolution have taken an oath at their coronation, by which they have promised and sworn to govern the people of this kingdom, and the dominions thereto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same.

The sovereign, being the executive power, is charged with the management of all the revenues of the state, and with all payments for the public service. The Crown therefore, acting with the advice of its responsible ministers, makes known to the Commons the pecuniary necessities of

the Government; the Commons, in return, grant such aids or supplies as are required to satisfy these demands; and they provide by taxes, and by the appropriation of other sources of the public income, the ways and means to meet the supplies which they have granted. Thus the Crown demands money, the Commons grant it, and the Lords assent to the grant. The Commons do not vote money unless it is required by the Crown, nor do they impose or augment taxes unless such taxation be necessary for the public service, as declared by the Crown, through its constitutional advisers.

The Queen is at the head of the Government of the British Empire.

Queen Victoria does not claim to rule over the Empire by right, but is queen because she is descended from King George I., who was made King of Great Britain and Ireland by Parliament—that is by the people, as represented in Parliament. She therefore reigns by the voice of the people.

The Queen alone can make war or peace; she alone can pardon those who break the laws; she alone can prorogue, dissolve, or call a parliament; she alone can prevent a law from passing by refusing to sign it; but this our sovereigns seldom or never do; no money can be coined but by her command; all ranks of nobility are created by her. She is not responsible for the commission of any act, and no omission on her part can be taken advantage of; she is the fountain of justice and honour; all orders and decorations are in her gift, and no subject may wear or assume one granted by a foreign prince without her permission. She is the supreme head of the state, the army and navy, and the national church. She is the *dernier ressort* in all spiritual matters, an appeal lying to her in chancery from the decision of every ecclesiastical judge.

The sovereign rules through her ministers, the chief of whom form the Cabinet. The Cabinet is composed of:—

1. The First Lord of the Treasury or the Premier.
2. The Lord Chancellor.
3. The Chancellor of the Exchequer.
4. The President of the Council.
5. The Home Secretary.
6. The Foreign Secretary.
7. The Colonial Secretary.
8. The Indian Secretary.
9. The War Secretary.

It may also contain:—

10. The Lord Privy Seal.
11. The First Lord of the Admiralty.
12. The President of the Board of Trade.
13. The President of the Poor Law Board.
14. The Postmaster-General.
15. The Chief Secretary for Ireland.

The above officers constitute a Government.

When a Government is defeated on any important Bill it generally resigns. Then the sovereign sends for the leader of the Opposition, and intrusts him with the formation of a new Government.

In former reigns, notably that of George III., the King and the Ministers were frequently at variance, and questions of prerogative were constantly arising. These differences were a source of interruption to the business of the nation, and occasionally of positive danger to the Constitution. The representation of the people was very imperfect, and bribery and corruption prevailed to a great extent; but since the commencement of the reign of Her Most Gracious Majesty Queen Victoria, wiser counsels have prevailed. This has been owing largely to wisdom and prudence on the part of the sovereign and her advisers, but also in a

great measure to the improvement in the laws, under which the general body of the people is represented by members of Parliament, most of whom, in a spirit of patriotism, give their time and abilities to the service of the nation.

All classes are represented ; the franchise has been largely extended ; protection to voters has been secured, so that they can now vote according to their consciences; electoral districts have been more equalised ; the old days of rotten boroughs and undue influence by large landed proprietors are gone, it is hoped for ever, and the advance of civil and religious liberty, commerce, sanitation, education, and international arbitration all combined, with the devoted loyalty of a free people, appear destined, under Providence, to portend a happy and glorious future under the British Constitution.

CHAPTER III.

THE HOUSES OF PARLIAMENT.

OUR ancestors, harassed as they were by repeated invasions, and unsettled by consequent changes amongst their rulers, have left us a very indistinct idea of the manner in which the business of their Government was carried on.

The principle, which guided it, is clear; from a long period before the Union of the States of the Heptarchy, the sway of their princes was assisted, and in some measure controlled, by assemblages of their people, which may be taken to be the origin of the Parliaments of the present day.

The Saxon names of these assemblages were several, as the *Micel Gemót*, or *Great Meeting;* the *Micel Synod*, or *Great Council;* and the *Witena Gemót*, or *Meeting of the Wise Men*. Thus was constituted the united council called in Latin, *Commune Concilium Regne*, the "*Common Council of the Kingdom*"; *Magnum Concilium Regis*, the "*Great Council of the King*"; *Curior Magni*, the "*Great Court*". This afterwards became the "*Wittena-gemót*," and was succeeded by our present form of Parliament, which has gradually assumed to itself the most complete control over the details of our domestic legislation, and the principles of our Imperial policy.

The Parliament is now composed of the King or Queen, and the three estates of the realm, *viz.*, lords spiritual, lords temporal, and the Commons. These several persons

collectively make the laws that are binding on the subjects of the British empire.

It was some time before the Lords and Commons were placed in separate chambers, and made distinct councils, each guided by rules, and performing duties of its own, as we now find them. At first they sat together in one assembly, and although the laws that they made applied to the whole kingdom, each body taxed itself, and had no voice in fixing what should be paid by the other.

From Sir T. Erskine May's *Practice and Proceedings in Parliament*, we find that those proceedings are regulated by ancient custom, by established practice, and by the standing orders. Both Houses have agreed at various times to standing orders for the permanent guidance and order of their proceedings; which, if not vacated or repealed, endure from one Parliament to another. At the commencement of each session, both Houses agree to orders and resolutions which are renewed from year to year.

The House of Lords.

The two estates of lords, spiritual and temporal, may originally have had an equal voice in all matters deliberated upon, and had separate places for their discussion, but at a very early period they are found to constitute one assembly, and for many centuries past, though retaining their distinctive character and denominations, they have been practically but one estate of the realm, and we are now accustomed to speak of the Queen, Lords and Commons as the three estates of the realm.

The House is usually presided over by the Lord Chancellor, but he does not decide upon the regularity of its proceedings. The House at large does this, and members, whilst delivering their speeches, address the assembly, and not the Lord Chancellor or other lord upon the woolsack. The votes of the spiritual and temporal lords are intermixed, and the joint majority of the members of both estates

determine every question, but they sit apart on separate benches, the lords spiritual being in the upper part of the House, on the right of the throne. Up to within a short time since, peers could vote either in person, using the word *content* or *non-content* to signify their approval or rejection of the measure before them, or by proxy—a signed paper to the same effect, and used upon their behalf, in their absence, by some other peer. But this privilege has recently been resigned.

Peers cannot be arrested for debt, but a peer who has become bankrupt cannot sit or vote in the House of Lords until he has satisfied his creditors, or annulled his bankruptcy. There are twenty-six spiritual lords; the number of temporal is unlimited, and can be increased by the Sovereign. The total number at present is over 500. The House of Lords is on the whole a hereditary body, and is the highest law court in the empire. All laws relating to the rights of their order must be originated in the House of Lords, and they may originate any others, except those relating to the taxation of the country, which must originate in the House of Commons.

The House of Commons.

The Act of 12 and 13 William III., c. 2, affirms that "the laws of England are the birthright of the people thereof, and all the kings and queens who shall ascend the throne of this realm ought to administer the government of the same according to the said laws," and this principle was affirmed by Parliament in very ancient times.

Blackstone defined the constitution of Parliament thus: "The main constitution of Parliament, as it now stands, was marked out in the seventeenth year of King John, in the great charter granted by that prince (Magna Charta, A.D. 1215), wherein he promises to summon all archbishops, bishops, abbots, earls, and greater barons personally, and all other *tenants-in-chief* under the realm, by the sheriff and

bailiffs, to meet at a certain place, with forty days' notice, to assess aids and scrutages when necessary".

Rules for Members Speaking.

The rules for the conduct of debate divide themselves into two parts, *viz.:* (1) such as are to be observed by members addressing the House; and (2) those which regard the behaviour of members listening to the debate.

(1) A member while speaking to a question may not allude to debates of the same session upon any question or Bill not then under discussion; (2) nor speak against or reflect upon any determination of the House, unless he intends to conclude with a motion for rescinding it; (3) nor allude to debates in the other House of Parliament; (4) nor utter treasonable or seditious words, or use the Queen's name irreverently, or to influence the debate; (5) nor speak offensive or insulting words against the character or proceedings of either House; (6) nor refer to matters pending a judicial decision; (7) nor reflect upon the conduct of the Sovereign, or of other persons in authority; (8) nor make personal allusions to members of Parliament; (9) nor obstruct public business.

Order of Business.

When the House meets on ordinary occasions, the private and public business are taken in their appointed order: 1. Private business; 2. Public petitions; 3. Unopposed motions for returns, and such motions as may be taken either before the commencement or at the close of public business; 4. Motions for leave of absence; 5. Notices of motions; 6. Questions to members; 7. Motions for the adjournment of the House; 8. Motions at the commencement of public business, followed by the orders of the day and notices of motions as set down on the notice paper for that day's sitting.

One of the important duties of the Speaker is to decide who is entitled to address the House. The first among those who rise from their place for that purpose is the

member so entitled. Experience, however, proves that it is inexpedient to leave that responsibility wholly to the Speaker's decision. Although by long-established usage the House systematically defers to his decision in this matter, still the power of determining who shall be heard can be exerted by the House.

By the Representation of the People Act, 1884 (48 Vict., c. 3), a uniform household franchise and a uniform lodger franchise are established in all counties and boroughs throughout the United Kingdom. The franchise is also extended to those who inhabit dwelling-houses by virtue of any office, service or employment, and the county and borough £10 occupation franchise is substituted in the counties for the £12 rateable value occupation franchise of 1867; and, as regards boroughs, for the £10 occupation franchise of 1832. Aliens, persons under twenty-one years of age, of unsound mind, in receipt of parochial relief, or convicted of certain offences are incapable of voting. Many officers also concerned in the collection of the revenue were formerly disqualified, but by recent statutes these latter disabilities have been removed.

Disqualification.

The following persons are disqualified from becoming members of the House of Commons:—

1. Aliens.
2. Judges of the Supreme Court, magistrates, and revising barristers.
3. Persons under the age of twenty-one years.
4. Clergymen—Protestant and Roman Catholic.
5. Outlaws, and persons convicted of treason and felony.
6. Candidates guilty of bribery or treating at an election.
7. Returning officers for the county, city, or borough for which they return.
8. Persons concerned in the management of taxes.
9. Pensioners of the Crown.

10. Army agents, Government contractors, and sheriffs' officers.

The House of Commons.

The House of Commons, as now constituted, consists of 670 members. The famous Bill of Rights provides, "That levying money for the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time or other manner than the same is or shall be granted, is illegal. That election of members of Parliament ought to be free. That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament."

Parliamentary Procedure.

The Standing Orders and Rules of Debate are the result of many years' usage, and although various improvements have been made in them from time to time, it is suggested that those improvements have hardly kept pace with the requirements of the times, and do not appear to be so well adapted for use in public meetings as the rules of some of the public representative bodies created under recent Acts of Parliament. An attempt has, however, been made, without following the exact wording of the Parliamentary procedure, to embody herein its leading principles and features.

Sir Reginald Palgrave, Clerk of the House of Commons, has published many editions of the *Chairman's Handbook*. The following is extracted from the eleventh edition: "The practice of the House of Commons is in one respect misunderstood. [In other meetings] when an amendment is proposed, the Chairman generally gives priority to the amendment over the motion upon which it is moved; and they do so under the belief that this method accords with the procedure adopted by the Speaker."

In this they are mistaken. When two propositions are submitted for deliberation, first a motion, and then an amendment offered as an alternative to that motion, to

obtain a fair and straightforward debate, the following conditions must be observed :—

"If two propositions are submitted for discussion, it is, in the first place, essential that their consideration should be conducted as far as possible on equal terms ; and, secondly, it is essential that discussion should be limited to the question proposed from the chair. How far are the conditions observed if precedence be given to an amendment over the motion on which it is moved ? One of two results must ensue: if the debate be kept with strict precision to the proposition so put forward, namely, the amendment, the supporters of the motion should not be heard until the amendment is disposed of ; if, however, argument in favour of the motion be permitted, then debate strays away from the subject immediately in hand."

With due deference to so high an authority, it is submitted that the proposer and seconder of a motion would have ample opportunity for stating their case, and after the amendment had been put before the meeting, and the discussion had taken place, the proposer of the original motion would have the right to reply, and to controvert any arguments brought forward by his opponents. The popular method of voting on the amendment first, therefore appears to be equally fair with the Parliamentary practice, and more simple.

CHAPTER IV.

THE LOCAL GOVERNMENT BOARD.

LOCAL Government was, until recently, carried on by a variety of separately constituted bodies, owning no central authority, and frequently conflicting with each other in their public functions and organisations. The authority of these bodies was in some cases of very ancient origin, derived either from the common law or royal charter, whilst in other cases it was derived from special Acts of Parliament passed to meet the necessities of modern times.

This unsatisfactory state of affairs continued until 1871, when an Act was passed constituting the "Local Government Board," and concentrating in one department the supervision of the laws relating to the public health, the relief of the poor, and the other various branches of public business coming under the head of Local Government.

The Local Government Board consists of a President, appointed by the Queen, and the following *ex-officio* members, *viz.:* The Lord President of the Council, the Lord Privy Seal, the Chancellor of the Exchequer, and the five principal Secretaries of State; and therefore are changeable when a change of Government takes place.

The supervision and arrangement of the following public business is vested in the Local Government Board:—

1. Police.
2. Appointment of Coroners.
3. Maintenance of county roads and bridges.

4. Confirmatory and appellate powers in relation to licences for sale of intoxicating liquors.

5. Powers as to lunatic asylums, reformatory and industrial schools, and committees of prisons.

6. Administration of various Acts of Parliament, *e.g.*, cattle plague Acts.

7. Miscellaneous administrative powers of justices in quarter sessions.

8. Poor law relief and administration.

9. Maintenance of roads other than county and parochial roads.

10. Town improvements and urban powers.

11. Powers of assessment committees.

12. Administrative powers of justices in petty sessions in respect of licences for sale of intoxicating liquors and otherwise.

13. Inspection and prevention of nuisances.

14. Sewerage and drainage.

15. Schools.

16. Gas and water supply.

17. Establishment of public libraries and the execution of Acts, the execution of which is vested in parishes.

18. Powers and duties of registration, and otherwise vested in and imposed on overseers and vestries.

Of these powers, numbers one to seven may be described as county powers, or powers vested in County Councils, and boroughs having co-ordinate powers with them.

The powers numbered eight to thirteen may be named district powers, and are exercised by District Councils, urban and rural, and petty sessional justices.

Numbers fourteen to eighteen are parochial powers, and are carried into execution by Parish Councils.

For the purpose of carrying out these various powers and duties, England and Wales are now divided into coun-

ties, municipal boroughs, districts (urban and rural), and Parish Councils.

The Local Government Board have power to frame rules for the regulation of elections; for the compulsory purchase or hiring of land; for the temporary administration of Rural District Councils if unable to act; to perform certain duties of the County Council; to confer on an urban authority additional powers; to confer on a Rural District Council powers of an urban authority; to extend time within which alteration of areas is to be made; to alter the powers of guardians under Local Acts; to have control over loans borrowed by parishes under a County Council; to consent to the sale of parish property by a Parish Council; and to exercise powers and duties as to adjustment of property transferred by the Act.

The Local Government Board have also power, under the Parish Councils Act:—

Sec. 3 (1) To frame rules for electing Parish Councillors.
Sec. 4 (1) (*a*) To determine questions as to use of schoolrooms.
Sec. 6 (1) (*d*) To consent to the sale or letting of parish property.
Sec. 8 (1) (*d*) To purchase land compulsorily.
Sec. 9 (3) To acquire or hire lands for allotments.
Sec. 12 (1) To sanction loans.
Sec. 20 (5) To frame rules for election of guardians, and
Sec. 23 (5) Urban District Councillors.
Sec. 33 (2) To grant powers of Parish Councils to Urban Councils.
Sec. 33 (6) To grant parish powers to London.
Sec. 34 (3) To grant vestry powers to compound for rates.
Sec. 36 (5) To alter boundaries of counties.
Sec. 36 (6) To alter boundaries of poor law unions.
Sec. 36 (7) To alter boundaries of parishes.
Sec. 48 (2) To make rules for elections, and
Sec. 80 (2) To make rules for bringing the Act into operation.

CHAPTER V.

COUNTY COUNCILS.

THE Local Government Act, 1888, effected great changes in the local governance of the nation. Up to that time a larger portion of what is known as "County business" was managed by Justices of the Peace in Quarter Sessions, and it must be admitted that the business was done fairly well, without any gross mismanagement, and with a due regard to economy, as well as efficiency. It has been occasionally a matter of complaint that Justices were too hard on poachers and trespassers, and, in fact, looked after the interests of their own class more than those of other classes, and that, as a rule, they only attended as *ex-officio* guardians of the poor when there was some special interest to be served; but, on the whole, their duties were discharged in a satisfactory manner, and generally free from corruption.

Although the administration of justice for minor offences, and preliminary commitments, seemed to be one of their proper functions, it was felt for a long time past that the management of county financial affairs, and the control of money matters, not coming within the scope of parochial business, ought to be in the hands of representatives of the people: just as Imperial taxation is controlled by people's representatives in the House of Commons. The duties had been discharged satisfactorily for a long time, therefore the system was allowed to continue long after public opinion had recognised the anomaly, and that the practice was not in accordance with the principles of the

Constitution. Then, to the honour alike of the legislature and the public, a Bill was brought in and carried through Parliament, calmly and without clamour, transferring many of the powers and duties of Justices to County Councils—one, the principal among them, being the power of taxing the counties, and disbursing the funds for all such local purposes as parochial authorities had no power over.

The Local Government Act, 1888, was at first a mere skeleton, and apparently intended as an experiment, with the intention of clothing it with fuller powers and duties as it was found whether it carried out the views of its introducers or not. The principal object in the first place was to set up a representative body in each administrative county, with power over finance, roads, bridges, etc., but it has since taken over, or had transferred to it, power to deal with the following matters:—

Administrative business of the county.
Allotments Acts.
Appeals against rating.
Armorial bearings.
Baths and washhouses.
Bicycles and other machines.
Boundaries, alteration of.
Bridges.
Contagious diseases of animals.
Coroners, appointment of.
Corporate property charities.
County officers, appointment and removal of.
Dancing halls.
Destructive Insects Act.
Electoral divisions.
Explosives.
Finances.
Fire brigades.
Food and Drugs Act.
Footpaths.
Fish Conservancy Act.
General purposes.
Gas meters.
Highways.
Improvements.
Industrial and reformatory schools.
Locomotives.
Lunatic asylums.
Main drainage.
Main roads.
Medical officers of health, offices, halls, stations, and other county buildings.
Polling districts.
Public control.
Public health and housing.
Race-courses.
Rivers Pollution Act.
Sanitary districts.
Theatres.
Waste lands by waysides.

The county police are managed by a Joint Committee of County Councillors and Justices of the Peace.

County Councils have also power to grant Local Taxation licences as follows:—

Licences for the sale of intoxicating liquor for consumption on the premises.

Retailers of spirits (publicans).	Retailers of cider.
,, spirits, occasional.	,, wine.
,, beer.	,, wine, occasional.
,, beer, occasional.	,, sweets.
,, beer and wine.	

Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein for consumption off the premises.

Retailers of beer.	Retailers of wine.
,, beer and wine.	,, sweets.
,, cider.	,, table beer.

Licences to deal in game.

Licences for:—

Beer.	Carriages.
Spirits.	Trade carts.
Sweets.	Locomotives.
Wine.	Horses and mules.
Refreshment house keepers.	Horse dealers.
Dogs.	Armorial bearings.
Killing game.	Male servants.
Guns.	Hawkers.
Appraisers.	House agents.
Auctioneers.	Pawnbrokers.
Tobacco dealers.	Plate dealers.

The regulations to enable them to transact the business appertaining to all these branches of local government are prescribed by the following statutes: the Municipal Corporation Act, 1882; the Local Government Act, 1888; and the Parish Councils Act, 1894.

A Council is established in every administrative county

for financial and administrative business, to consist of a Chairman, Aldermen, and Councillors.

The system adopted is that of a borough, divided into wards, subject to some special provisions. The Councillors are to be elected for three years, and then retire together. Electoral divisions are to be formed, and one Councillor elected for each. The county being divided according to population, boroughs will return as many Councillors as there are units of population; and each rural district will return one. In boroughs, voters will be the burgesses, and in rural districts, the persons registered under the County Electors Act. The Chairman will be *ex-officio;* a Magistrate and a Vice-Chairman may also be appointed. Occupiers of cottages, for which the owners pay rates, may be electors.

The third section of the Act of 1894 transfers to the County Council the making of county police and other rates; the borrowing of money, and accounts with the treasurer. It also makes over the various halls, courts, stations, and other buildings of the county.

The Local Government Board may by Provisional Order, which must be confirmed by Parliament, transfer various other powers of public departments to the County Council. They may also oppose (but not promote) Bills in Parliament, and may make by-laws which are not to affect any borough.

The County Council have power to make a large number of local taxes (set out in the Act of 1888).

As regards business transferred, the County Council have the powers and rights which the Quarter Sessions had. A Joint Committee, appointed by the County Council and the Quarter Sessions, shall have the management of the police, the Clerk of the Peace, and Sessions' Clerks, and other matters which jointly concern them.

By the Act of 1894 it became the duty of County Councils to exercise their powers for bringing that Act into operation in their county, and upon them to take the action necessary to settle the areas for which parish meetings were to be held, and Parish Councils elected; and for that purpose they were to make inquiry into the question of areas of parishes, rural sanitary districts, urban sanitary districts, and their several divisions into wards, and wherever alterations of the boundaries of such areas became expedient, to apply to the Local Government Board for an order to that effect.

Power of County Councils as to Elections and Representatives.

Subject to the rules framed by the Local Government Board, the County Council may fix the day of the poll of any elections under the Acts, and may in certain cases order a new election, and make such order as may seem expedient to appoint some person to act temporarily in place of the Parish Council, or District Council, or its Chairman.

Under Sec. 17 (9). Every County Council shall from time to time inquire into the manner in which the public books, writings, papers, and documents under the control of the Parish Council or parish meeting are kept, with a view to the proper preservation thereof, and shall make such orders as they think necessary for such preservation, and these orders shall be complied with by the Parish Council or parish meeting.

The most important of County Councils is doubtless that representing the whole County of London (with the exception of the City), and the interests with which they have to deal are great, and their duties multifarious. Their "Standing Orders," "Orders of reference to Committees," and "Official Regulations" appear to be well adapted to the purpose, and therefore such of them as come within the scope of this work are set out fully.

Areas and Boundaries.

The following duties and powers are, under the Local Government Act, 1894, vested in County Councils with respect to areas and boundaries:—

Sec. 36. (1) For the purpose of carrying this Act into effect in the case of:—

(*a*) Every parish and rural sanitary district which at the passing of this Act is situate partly within and partly without an administrative county; and

(*b*) Every parish which at the passing of this Act is situate partly within and without a sanitary district; and

(*c*) Every rural parish which has a population of less than two hundred; and

(*d*) Every rural sanitary district which at the passing of this Act has less than five elective guardians capable of acting and voting as members of the rural sanitary authority of the district; and

(*e*) Every rural parish which is co-extensive with a rural sanitary district.

Every County Council shall forthwith take into consideration every such case within their county, and whether any proposal has or has not been made as mentioned in Section 57 of the Local Government Act, 1888, shall as soon as practicable, in accordance with that section, cause inquiries to be made and notices given, and make such orders, if any, as they deem most suitable for carrying into effect this Act in accordance with the following provisions, namely:—

(i.) The whole of each parish, and unless the County Council for special reasons otherwise direct, the whole of each rural district shall be within the same administrative county.

(ii.) The whole of each parish shall, unless the County Council for special reasons otherwise direct, be within the same county district; and

(iii.) Every rural district which will have less than five elected Councillors shall, unless for special reasons the County Council otherwise direct, be united to some neighbouring district or districts.

(2) Where a parish is at the passing of this Act situate in more than one urban district, the parts of the parish in each such district shall, as from the appointed day, unless the County Council shall for special reasons otherwise direct, and subject to any alteration of area made by or in pursuance of this or any other Act, be separate parishes, in like manner as if they had been constituted separate parishes under the Divided Parishes and Poor Law Amendment Act, 1876, and the Acts amending the same.

(3) Where a parish is divided by this Act, the County Council may by order provide for the application to different parts of that parish of the provisions of that Act, with respect to the appointment of trustees or beneficiaries of a charity, and for the custody of parish documents, but the order, so far as regards the charity, shall not have any effect until it has received the approval of the Charity Commissioners.

(4) Where a rural parish is co-extensive with a rural sanitary district, then, until the district is united to some other district or districts, and unless the County Council otherwise direct, a separate election of a Parish Council shall not be held for the parish, but the District Council shall, in addition to their own powers, have the powers of, and be deemed to be, the Parish Council.

(5) Where an alteration of the boundary of any county or borough seems expedient for any of the purposes mentioned in this section, application shall be made to the Local Government Board for an order under Section 54 of the Local Government Act, 1888.

(6) Where the alteration of a Poor Law Union seems expedient by reason of any of the provisions of this Act, the County Council may, by their order, provide for such alteration in accordance with Section 58 of the Local Government Act, 1888, or otherwise, but this provision shall

not affect the powers of the Local Government Board with respect to the alteration of unions.

(7) Where an order for the alteration of the boundary of any parish, or the division thereof, or the union thereof, or of any part thereof with another parish is proposed to be made after the appointed day, notice thereof shall, a reasonable time before it is made, be given to the Parish Council of that parish, or if there is no Parish Council, to the parish meeting, and that Parish Council or parish meeting, as the case may be, shall have the right to appear at any inquiry held by the County Council with reference to the order, and shall be at liberty to petition the Local Government Board against the confirmation of the order.

(8) Where the alteration of the boundary of any parish, or the division thereof, or the union thereof, or of any part thereof with another parish seems expedient for any of the purposes of this Act, provision for such alteration, division, or union may be made by an order of the County Council, confirmed by the Local Government Board under Section 57 of the Local Government Act, 1888.

(9) Where a parish is by this Act divided into two or more parishes, those parishes shall, unless it is otherwise provided, be included in the same Poor Law Union in which the original parish was included.

(10) Subject to the provisions of this Act, any order made by a County Council in pursuance of this Act, shall be deemed to be an order under Section 57 of the Local Government Act, 1888, and any Board of Guardians affected by any order shall have the same right of petitioning against that order, as is given by that Section to any other authority.

(11) Where any of the areas referred to in Section 57 of the Local Government Act, 1888, is situate in two or more counties, or the alteration of any such area would alter the

boundaries of a Poor Law Union situate in two or more counties, a Joint Committee, appointed by the Councils of those counties, shall, subject to the terms of delegation, be deemed to have and to have always had power to make orders under that Section with respect to that area; and where, at the passing of this Act, a rural sanitary district or parish is situate in more than one county, a Joint Committee of the Councils of those counties shall act under this Section; and if any of those Councils do not, within two months after request from any other of them, appoint members of such Joint Committee, the members of the Committee actually appointed shall act as the Joint Committee. Provided that, any question arising as to the constitution or procedure of any such Joint Committee shall, if the County Councils concerned fail to agree, be determined by the Local Government Board.

(12) Every report made by the Boundary Commissioners under the Local Government Boundaries Act, 1887, shall be laid before the Council of any administrative county or borough affected by that report and before any Joint Committee of County Councils; and it shall be the duty of such Councils and Joint Committees to take such reports into consideration before framing any order under the powers conferred on them under this Act.

(13) Every County Council shall, within two years after the passing of this Act, or within such further period as the Local Government Board may allow either generally or with reference to any particular matter, make such orders under this Section as they deem necessary for the purpose of bringing this Act into operation, and after the expiration of the said two years, or further period, the powers of the County Council for that purpose shall be transferred to the Local Government Board, who may exercise those powers.

Provision as to parishes having parts with defined boundaries:—

Sec. 37. Where it is proved to the satisfaction of the County Council that any part of a parish has a defined boundary and has any property or rights distinct from the rest of the parish, the County Council may order that the consent of a parish meeting, held for that part of the parish, shall be required for any such Act or class of Acts of the Parish Council affecting the said property or rights, as is specified in the order.

Grouping Parishes.

Orders for grouping parishes and dissolving groups :—

Sec. 38. (1) Where parishes are grouped, the grouping order shall make the necessary provisions for the name of the group, for the parish meetings in each of the grouped parishes, and for the election in manner provided by this Act of separate representatives of each parish on the Parish Council, and may provide for the consent of the parish meeting of a parish to any particular Act of the Parish Council, and for any other adaptations of this Act to the group of parishes, or to the parish meetings in the group.

(2) Where parishes are grouped, the whole area under each parish shall, unless the County Council for special reasons otherwise direct, be within the same administrative county and county district.

(3) Where parishes are grouped, the grouping order shall provide for the application of the provisions of this Act with respect to the appointment of trustees and beneficiaries of a charity, and the custody of documents, so as to preserve the separate rights of each parish.

(4) The parish meeting of any parish may apply to the County Council for a grouping order respecting that parish, and, if the parish has a less population than two hundred, for a Parish Council; and any such application shall be forthwith taken into consideration by the County Council.

(5) The County Council may, on the application of the Council for any group of parishes or of the parish meeting for any parish included in a group of parishes, make an order dissolving the group, and shall by the order make such provision as appears necessary for the election of Parish Councils of the parishes in the group, and for the adjustment of property, rights, and liabilities as between separate parishes and the group.

Provisions for Increase and Decrease of Population.

Sec. 39. (1) Where the population of a parish, not having a separate Parish Council, increases so as to justify the election of such Council, the parish meeting may petition the County Council, and the County Council, if they think proper, may order the election of a Parish Council in that parish, and shall, by the order, make such provision as appears necessary for separating the parish from any group of parishes in which it is included, and for the alteration of the Parish Council of the group, and for the adjustment of property, rights, and liabilities as between the group and the parish with a separate Parish Council.

(2) Where the population of a parish, according to the last published census for the time being, is less than two hundred, the parish meeting may petition the County Council, and the County Council, if they think proper, may order the dissolution of the Parish Council, and from and after the date of the order, this Act shall apply to that parish as to a parish not having a Parish Council. The order shall make such provision as appears necessary for carrying it into effect, and for the disposal and adjustment of the property, rights, and liabilities of the Parish Council. Where a petition for such an order is rejected, another petition for the same purpose may not be presented within two years from the presentation of the previous petition.

Certain orders of County Council not to require confirmation:—

Sec. 40. A grouping order, and an order establishing or dissolving a Parish Council, or dissolving a group of parishes, and an order relating to the custody of parish documents or requiring the approval of the Charity Commissioners, and an order requiring the consent of the parish meeting for any part of the parish to any Act or class of Acts of the Parish Council, shall not require submission to, or confirmation by, the Local Government Board.

Reduction of Time for Appealing against County Council Orders.

Sec. 41. The time for petitioning against an order, under Section 57 of the Local Government Act, 1888, shall be six weeks instead of three months, after the notice referred to in Sub-section 3 of that Section.

Validity of County Council Orders.

Sec. 42. When an order, under Section 57 of the Local Government Act, 1888, has been confirmed by the Local Government Board, such order shall, at the expiration of six months from that confirmation, be presumed to have been duly made, and to be within the powers of that Section, and no objection to the legality thereof shall be entertained in any proceeding whatever.

Supplemented Provisions as to Guardians.

Sec. 60. (1) The Council of each county may, from time to time, by order, fix or alter the number of guardians or rural District Councillors to be elected for each parish within their county, and for those purposes may exercise powers of adding parishes to each other, and dividing parishes into wards, similar to those which, by the Acts relating to the relief of the poor, are, for the purposes of the election of guardians, vested in the Local Government Board.

(2) The Council of each county shall, for the purpose of regulating the retirement of guardians or rural District Councillors, in cases where they retire by thirds, and in order that as nearly as may be one-third of the persons elected as guardians for the Union, and one-third of the persons elected as rural District Councillors for the district, shall retire in each year, direct in which year or years of

each triennial period, the guardians or District Councillors for each parish, ward, or other area in the Union or rural district shall retire.

(3) Where a Poor Law Union is situate in more than one county, the power under this Section of fixing or altering the number of guardians or rural District Councillors, and of regulating the retirement of guardians and of District Councillors, shall be exercised by a Joint Committee of the Councils of the counties concerned, but if any of those Councils do not, within two months after request from any other of them, appoint members of such Joint Committee, the members of the Committee actually appointed shall act as the Joint Committee. Provided that if any order under this Sub-section is, within six weeks after making thereof, objected to by any of the County Councils concerned, or by any Committee of any of those Councils authorised in that behalf, it shall be of no effect until confirmed by the Local Government Board.

(4) Where, under any local and personal Act, guardians of a Poor Law Union are elected for districts whether called by that name or not, the provisions of this Act, with respect to the election of guardians, shall apply as if each of the districts were a parish.

(5) The Board of Guardians of a Union elected in pursuance of this Act shall, save as otherwise provided by an order of the Local Government Board, made on the application of those Guardians, have the same powers and duties under any local and personal Act, as the existing Board of Guardians.

(6) Nothing in this Act shall alter the Constitution of the Corporation of the Guardians of the Poor within the city of Oxford, or the election or qualification of the members thereof, except those members who are elected by the ratepayers of parishes.

Place of meeting of Parish or District Council or Board of Guardians.

Sec. 61. No parish meeting or meeting of a Parish Council, or of a District Council, or of a Board of Guardians shall be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting, either free of charge or at a reasonable cost.

Permissive transfer to Urban District Council of Powers of other Authorities.

Sec. 62. (1) Where there is any urban district, or part of an urban district, any authority constituted under any of the adopted Acts, the Council of that district may resolve that the powers, duties, property, debts, and liabilities of that authority shall be transferred to the Council as from the date specified in the resolution, and upon that date the same shall be transferred accordingly, and the authority shall cease to exist, and the Council shall be the successors of that authority.

(2) After the appointed day, any of the adoptive Acts shall not be adopted for any part of an urban district without the approval of the Council of that district.

Provisions as to County Council acquiring powers of District Council.

Sec. 63. (1) Where the powers of a District Council are by virtue of a resolution under this Act transferred to a County Council, the following provisions shall have effect :—

(*a*) Notice of the resolution of the County Council by virtue of which the transfer is made, shall be forthwith sent to the District Council and to the Local Government Board.

(*b*) The expenses incurred by the County Council shall be a debt from the District Council to the County Council, and shall be defrayed as part of the expenses of the District Council in the execution of the Public Health Acts, and the District Council shall have the like power of raising the money as for the defraying of those expenses.

(*c*) The County Council, for the purposes of the powers transferred, may, on behalf of the district, borrow, subject to the like conditions, in the like manner, and on the security of the like fund or rate, as the District Council might have borrowed for the purposes of those powers.

(*d*) The County Council may charge the said fund or rate with the payment of the principal and interest of the loan, and the loan, with the interest thereon, shall be paid by the District Council in the like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on that fund or rate by the District Council.

(*e*) The County Council shall keep separate accounts of all receipts and expenditure in respect of the said powers.

(*f*) The County Council may by order vest in the District Council all or any of the powers, duties, property, debts, and liabilities of the County Council in relation to any of the said powers, and the property, debts, and liabilities so vested, shall be deemed to have been acquired or incurred by the District Council for the purpose of those powers.

(2) Where a rural district is situate in two or more counties, a Parish Council complaining under this Act may complain to the County Council of the county in which the parish is situate, and if the subject matter of the complaint affects any other county, the complaint shall be referred to a Joint Committee of the Councils of the counties concerned, and any question arising as to the Constitution of such Joint Committee shall be determined by the Local Government Board; and if any members of the Joint Committee are not appointed, the members who are actually appointed shall act as the Joint Committee.

Power to act through District Council.

Sec. 64. A County Council may employ a District Council as their agents in the transaction of any administrative business on matters arising in, or affecting the interests of, its own district.

Saving for Harbour Powers.

Sec. 65. Where any Improvement Commission affected by this Act have any powers, duties, property, debts, or liabilities in respect of any harbour, the Improvement Commission shall continue to exist and be elected for the purpose thereof, and shall continue as a separate body, as if this Act had not passed; and the property, debts, and liabilities shall be apportioned between the District Council

for the district and the commission so continuing, and the adjustment arising out of the apportionment shall be determined in manner provided by this Act.

Saving for Elementary Schools.

Sec. 66. Nothing in this Act shall affect the trusteeship, management, or control of any elementary school.

Transfer of Property and Debts and Liabilities.

Sec. 67. Where any powers and duties are transferred by this Act from one authority to another authority:—

(1) All property held by the first authority for the purpose or by virtue of such powers and duties shall pass to, and vest in, the other authority, subject to all debts and liabilities affecting the same; and

(2) The latter authority shall hold the same for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for, and subject to which, the property would have been held if this Act had not passed, so far as the same are not modified by, or in pursuance of this Act; and

(3) All debts and liabilities of the first authority incurred by virtue of such powers and duties shall become debts and liabilities of the latter authority, and be defrayed out of the like property and funds, out of which they would have been defrayed if this Act had not passed.

Adjustment of Property and Liabilities.

Sec. 68. (1) Where any adjustment is required for the purpose of this Act, or of any order, or thing, made or done nder this Act, then, if the adjustment is not otherwise ıade, the authorities interested may make agreements for he purpose, and may thereby adjust any property, income, ebts, liabilities, and expenses, so far as affected by this ıct, or such scheme, order, or thing of the parties to the greement.

(2) The agreement may provide for the transfer or ɜtention of any property, debts, or liabilities with or ·ithout any conditions, and for the joint use of any roperty, and for payment by either party to the agreement ı respect of property, debts, and liabilities so transferred or ɜtained, or of such joint-user, and in respect of the salary

or remuneration of any officer or person, and that either by way of an annual payment or, except in the case of a salary or remuneration, by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Local Government Board. Provided that, where any of the authorities interested is a Board of Guardians, any such agreement, so far as it relates to the joint use of any property, shall be subject to the approval of the Local Government Board.

(3) In default of an agreement, and as far as any such agreement does not extend, such adjustment shall be referred to arbitration in accordance with the Arbitration Act, 1889, and the arbitrator shall have power to disallow as costs in the arbitration, the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement might have provided.

(4) Any sum required to be paid by any authority for the purpose of adjustment may be paid as part of the general expenses of exercising their duties under this Act, or out of such special fund as the authority, with the approval of the Local Government Board, direct; and if it is a capital sum the payment thereof shall be a purpose for which the authority may borrow under the Act relating to such authority, on the security of all or any of the funds, rates, and revenues of the authority; and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction.

(5) Any capital sum paid to any authority for the purpose of any adjustment under this Act, shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt, or

for any other purpose for which capital money may be applied.

Power to deal with Matters arising out of Alteration of Boundaries.

Sec. 69. Where an alteration of any area is made by this Act, an order for any of the matters mentioned in Section 59 of the Local Government Act, 1888, may, if it appears to the County Council desirable, be made by the County Council; or, in the case of an area situate in more than one county, by a Joint Committee of County Councils, but nothing in this Section shall empower a County Council or Joint Committee, to alter the boundaries of a county.

Summary proceedings for Determination of Questions as to Transfer of Powers.

Sec. 70. (1) If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to any Parish Council, parish meeting, or District Council; or any property is or is not vested in the Parish Council, or in the Chairman and overseers of a rural parish, or in a District Council, that question, without reference to any other mode of trying it, may, on the application of the Council meeting or other local authority concerned, be submitted for decision to the High Court, in such summary manner as, subject to any rules of court, may be directed by the Court; and the Court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

(2) If any question arises, or is about to arise, under this Act as to the appointment of the trustees or beneficiaries of any charity, or as to the persons in whom the property of any charity is vested, such question shall, at the request of any trustee, beneficiary, or other person interested, be determined in the first instance by the Charity Commissioners, subject to an appeal to the High Court, brought within three months after such determination. Provided that an appeal to the High Court of Justice from any determination of the Charity Commissioners under this Section may be presented only under the same conditions

as are prescribed in the case of appeals to the High Court from orders made by the Charity Commissioners under the Charitable Trusts Acts, 1853 to 1891.

(3) An appeal shall, with the leave of the High Court or Court of Appeal, but not otherwise, lie to the Court of Appeal against any decision under this Section.

Supplemental Provisions as to County Council orders.

Sec. 71. (1) A copy of every order made by a County Council or Joint Committee in pursuance of this Act shall be sent to the Local Government Board, and if it alters any local area or name, also to the Board of Agriculture.

Provisions as to Local Inquiries.

Sec. 72. (1) The expenses incurred by the Local Government Board in respect of inquiries or other proceedings under this Act, shall be paid by such authorities, and persons, and out of such funds and rates as the Board may by order direct, and the Board may certify the amount of the expenses so incurred, and any sum so certified and directed by the Board to be paid by any authority or person, shall be a debt from that authority or person to the Crown.

(2) Such expenses may include the salary of any inspector or officer of the Board engaged in the inquiry or proceeding, not exceeding three guineas a day.

(3) The Local Government Board, and their Inspectors, shall have, for the purposes of an inquiry, in pursuance of this Act, the same powers as they respectively have for the purpose of an inquiry under the Public Health Act, 1875.

(4) Where a County Council hold a local inquiry under this Act, or under the Local Government Act, 1888, on the application of the Council of a parish or district, or of any inhabitants of a parish or district, the expenses thereof incurred by the County Council in relation to the inquiry (including the expenses of any Committee or person authorised by the County Council), shall be paid by the Council of that parish or district, or, in the case of a parish

which has not a Parish Council, by the parish meeting; but, save as aforesaid, the expenses of the County Council incurred in the case of inquiries under this Act shall be paid out of the County Fund.

Provision as to Sunday and Bank Holidays.

Sec. 73. When the day on which anything is required by, or in pursuance of, this Act to be done, is Sunday, Christmas Day, or Good Friday, or a bank holiday, that thing shall be done on the next following day, not being one of the days above mentioned.

Definition.

The following clauses define the meaning of expressions in the Act:—

Provisions as to Scilly Islands. 51 and 52 Vict. c. 41.

Sec. 74. This Act shall be deemed to be an Act touching Local Government within the meaning of Section 49 of the Local Government Act, 1888, and a provisional order for the Scilly Islands may, on the application of the Council of the Isles of Scilly, and after such public notice as appears to the Local Government Board sufficient for giving information to all persons interested, be made accordingly.

Construction of Act. 51 and 52 Vict. c. 41.

Sec. 75. (1) The definition of "parish" in Section 100 of the Local Government Act, 1888, shall not apply to this Act, but, save as aforesaid, expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the said Act.

For a definition of "population," "parochial elector," and "election," see Parish Meetings, page 109.

The expression "trustees" includes persons administering or managing any charity or recreation ground, or other property, or thing in relation to which the word is used.

The expression "ecclesiastical charity" includes a charity, the endowment whereof is held for some one, or more of the following purposes:—

(*a*) For any spiritual purpose which is a legal purpose; or
(*b*) For the benefit of any spiritual person, or ecclasiastical officer, as such; or
(*c*) For use, if a building, as a church, chapel, mission room, or Sunday School, or otherwise by any particular church or denomination; or
(*d*) For the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or
(*e*) Otherwise for the benefit of any particular church or denomination, or of any members thereof as such.

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act; and the Charity Commissioners shall, on application by any person interested, make such provision for the apportionment and management of that endowment as seems to them necessary or expedient for giving effect to this Act.

The expression shall also include any building, which, in the opinion of the Charity Commissioners, has been erected or provided within forty years before the passing of this Act, mainly by or at the cost of members of any particular church or denomination.

The expression "affairs of the church" shall include the distribution of offertories or other collections made in any church.

The expression "parochial authority" means a charity, the benefits of which are, or the separate distribution of the benefits of which, is confined to inhabitants of a single parish, or of a single ancient ecclesiastical parish divided into two or more parishes, or of not more than five neighbouring parishes.

The expression "vestry," in relation to a parish, means the inhabitants of the parish whether in vestry assembled or not, and includes any select vestry either by statute or at common law.

The expression "rateable value" means the rateable value stated in the Valuation List in force, or, if there is no such list, in the last Poor Rate.

The expression "county" includes a county borough, and the expression "County Council" includes the Council of a county borough.

The expression "elementary school" means an elementary school within the meaning of the Elementary Education Act, 1870.

33 and 34 Vict. c. 78.

The expression "Local and Personal Act" includes a Provisional Order confirmed by an Act, and the Act confirming the Order.

The expression "prescribed" means prescribed by order of the Local Government Board.

Extent of Act.

Sec. 76. This Act shall not extend to Scotland or Ireland.

Sec. 77. This Act may be cited as the Local Government Act, 1894.

Standing Orders of London County Council.

Standing Orders of the London County Council.

Council Meetings (General).

1. "The Council shall hold four quarterly meetings in every year for the transaction of general business. M. C. Act, 1882, Sched. 2, Sec. 1."

2. "The first quarterly meeting in each year shall be held on the 16th March, or on such other day within ten days after the 8th of March, as the Council may from time to time fix.—County Councils (Elections) Act, 1891. The meeting shall be at three o'clock in the afternoon."

3. "The Council shall meet at three o'clock in the afternoon of Tuesday in each week, unless otherwise specially ordered by the Council. The Council may, if it think fit, adjourn over any period."

4. "All meetings of the Council shall be open to the press and the public."

5. "The Chairman may at any time call a meeting of the Council. If the Chairman refuses to call a meeting after a requisition for that purpose, signed by five members of the Council, has been presented to him, any five members of the Council may forthwith, on that refusal, call a meeting. If the Chairman (without so refusing) does not within seven days after such presentation, call a meeting, any five members of the Council may, on the expiration of those seven days, call a meeting.—M. C. Act, 1882, Sched. 2, Secs. 3-4."

6. "The Council may adjourn a meeting to any day or hour, as it thinks fit, but no business shall be transacted at an adjourned meeting except such as was set out in the summons for the meeting of which it was an adjournment."

7. "Three clear days at least before any meeting of the Council, notice of the time and place of the intended meeting, signed by the Chairman, or, if the meeting is called by the members of the Council, by those members, shall be fixed on or near the outer door of the offices of the Council. Where the meeting is called by members of the Council, the notice shall specify the business to be transacted thereat.—M. C. Act, 1892, Sched. 2, Sec. 5."

8. "Three clear days at least before any meeting of the Council, a summons to attend the meeting specifying the business proposed to be transacted thereat, and signed by the Clerk of the Council, shall be left or delivered by post in a registered letter at the usual place of abode of every member of the Council.—M. C. Act, 1892, Sched. 2, Sec. 6."

9. "Want of service of the summons on any member of the Council shall not affect the validity of a meeting.—M. C. Act, 1892, Sched. 2, Sec. 7."

10. "No business shall be transacted at a meeting other than that specified in the summons relating thereto, except in the case of a quarterly meeting, business prescribed by the Municipal Corporations Act to be transacted thereat.—M. C. Act, 1882, Sched. 2, Sec. 8."

11. "When a meeting is adjourned, notices of the adjourned meeting shall be sent to each member of the Council, specifying the business to be transacted."

12. "The quorum of a Council shall be one-fourth (thirty-five) of the whole number of the Council.—L. G. Act, 1888, Sec. 75."

13. "If, at the expiration of fifteen minutes after the hour at which any meeting of the Council is appointed to be held, a quorum shall not be present, no meeting shall take place."

14. "If during any sitting of the Council, the attention of the Chairman shall be called to the number of persons present, he shall count them, and if it be found that there is not a quorum present, the Council shall stand adjourned."

15. "Every member of the Council, attending a meeting of the Council, shall sign his name in the attendance book kept for the purpose."

16. "The meeting of the Council may be held at such place, either within or without the county, as the Council may from time to time direct.—L. G. Act, 1888, Sec. 75 (21)."

17. "Any meeting of the Council which has sat continuously for four hours shall, after unopposed business has been taken, stand adjourned, unless an absolute majority of the members of the Council shall be then present, and by a

vote of a majority of those present, shall determine to continue the sitting."

18. "It shall be competent to any member of the Council, at any time after the Council has sat continuously for four hours, to call the attention of the Chairman to the fact that an absolute majority of the members of the Council are not present. The Chairman shall thereupon count the number present, and if it be found that an actual majority is not present, he shall, after taking unopposed business, declare the Council adjourned."

Chairman of Council Meetings.

19. "At every meeting of the Council, the Chairman, if present, shall be Chairman of the meeting. If the Chairman is absent, then the Vice-Chairman, or the Deputy-Chairman, shall be Chairman of the meeting. If the Chairman, the Vice-Chairman, and the Deputy-Chairman are all three absent, then such county Alderman, or in the absence of all the county Aldermen, such County Councillor as the members of the Council then present shall choose, shall be Chairman of the meeting.—M. C. Act, 1882, Sched. 2, Sec. 9."

Business at Council Meetings.

20. "The ordinary business at every ordinary and statutory meeting of the Council shall be as follows:—

"(*a*) Minutes of previous meetings.
(*b*) Statutory business.
(*c*) Deputations authorised to attend.
(*d*) Reports of Committees and Committee questions.
(*e*) Notices of motion.
(*f*) General questions."

21. "The Chairman may in his discretion bring forward any business at any stage."

(*a*) Minutes of Previous Meetings.

22. "The minutes of the last meeting shall be taken as read, with a view to confirmation, provided that a copy of the minutes shall have been sent to every member of the Council twenty-four hours previously."

23. "No motion or discussion shall be allowed upon the minutes, except as to their accuracy; and any objection upon that ground must be made by motion."

(*b*) Statutory Business.

24. "The ordinary day for the election of Chairman and Aldermen shall be the 16th of March, unless the Council shall have fixed some other day.—County Councils (Elections) Act, 1891, Sec. 1 (3)."

25. "The election of Chairman shall be the first business transacted on the day of election.—M. C. Act, 60 (2)."

26. "The election of Aldermen shall be held immediately after the election of the Chairman.—M. C. Act, 60 (2)."

27. "The appointment of Vice-Chairman and Deputy-Chairman shall follow immediately after the election of Aldermen; or, if no Aldermen are to be elected, then immediately after the election of Chairman."

(*d*) Reports of Committees and Committee Questions.

31. "Except as to any report which a Committee may bring up as a matter of urgency, (of which urgency the Chairman of the Council shall be the judge), the reports and recommendations of the Committees shall be printed and sent to each member of the Council, so that the same may, in the ordinary course of post, be delivered at the address of each member in London, at least forty-eight hours before the meeting of the Council at which they are to be considered."

(*c*) Notices of Motions.

41. "Every notice of motion shall be in writing, signed by the member of the Council giving the notice. It shall be given to the Clerk of the Council, and shall be entered in a book to be kept in his office, which book shall be open to the inspection of every member of the Council. A notice of motion, which shall not have been received before one o'clock in the afternoon preceding the usual day for issuing the summons for any meeting of the Council, shall not be specified in the summons for such meeting."

42. "Every notice of motion shall be relevant to some question affecting the administration or condition of London."

43. "All notices of motion shall be dated and numbered as received, and shall be entered by the Clerk upon the agenda paper in the order in which they are received, save and except that notice to an amendment to a notice of motion shall be entered immediately after such notice of motion, irrespectively of the time at which notice of the amendment shall have been received."

44. "Before any notice of motion be placed on the agenda paper, it shall be submitted to the Chairman, who, if he be of opinion that it is out of order, shall cause the giver of the motion to be so informed."

45. "No member shall have more than two notices of motion on the business paper at the same time."

46. "In dealing with notices of motion, the Chairman shall first of all read out the number of each, and the name of the mover, so as to ascertain which motions are unopposed, and these latter shall be passed forthwith. The Chairman shall then call on the movers of the opposed motions in their order on the paper."

47. "If a motion, notice of which is specified in the summons, be not moved either by the member who has given the notice, or by some other member authorised by him thereto in writing, when it comes on in due course it shall be considered as dropped, and shall not be moved without fresh notice."

48. "When a written notice of opposition to a motion on the summons paper shall have been lodged with the Clerk at the table, before or within one hour after the commencement of the meeting, such motion shall be considered as opposed business not to be passed without discussion."

49. "Any member desirous of putting a question as to the general work or procedure of the Council shall reduce (*f*) General Questions.

the same to writing, and forward it to the Clerk of the Council.

"Such question shall, if the Chairman of the Council consider it in order, be answered at the next meeting of the Council, provided that it was received at the office not later than the first post on the day preceding such Council meeting. No speech or discussion shall be allowed to any question so put."

Conduct of Debate.

50. "During the sitting of the Council members shall be uncovered. They shall stand when speaking, and shall address the chair."

51. "A member who speaks shall direct his speech strictly to the motion under discussion, or to an explanation, or a question of order."

52. "Whenever the Chairman rises during a debate, any member then speaking, or offering to speak, is to sit down, and the Council is to be silent, so that the Chairman may be heard without interruption."

53. "No speech shall exceed fifteen minutes in length without the consent of the Council."

54. "The Chairman may call the attention of the Council to continued irrelevancies, tedious repetition, unbecoming language, or any breach of order on the part of a member, and may direct such member, if speaking, to discontinue his speech, or in the event of persistent disregard of the authority of the chair, to retire for the remainder of the sitting."

55. "No member may impute motives, or use offensive expressions in reference to any member of the Council."

56. "No member shall address the Council more than once on any motion or amendment. The mover of an original motion may, however, reply; but he shall strictly confine himself to answering previous speakers, and shall not introduce any new matter into the debate. The right

of reply shall not extend to the mover of an amendment, which, having been carried, has become the substantive motion. After the reply the question shall be put forthwith."

57. "Any member, whether he has spoken on the matter under discussion or not, may rise to a point of order or an explanation; but such explanation shall be confined to some material part of his former speech, which may have been misunderstood. A member, so rising, shall be entitled to be heard forthwith."

58. "The ruling of the Chairman on a point of order, or on the admissibility of a personal explanation, shall be final, and shall not be open to discussion."

59. "A motion or amendment may be withdrawn by the mover, with the consent of the Council, which shall be signified without debate, and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused."

Order in Debate.

60. "When a motion is under debate at any meeting of the Council, no further motion shall be received except the following:—

"(*a*) To amend the motion.
(*b*) That the consideration of the question be postponed.
(*c*) That the Council do now adjourn.
(*d*) That the debate be adjourned.
(*e*) That the question be now put.
(*f*) That the Council do proceed to the next business."

(*a*) To Amend the Motion.

61. "Every amendment shall be relevant to the motion on which it is moved."

62. "Every amendment shall be reduced to writing, signed by the mover, and handed to the Chairman, or to the Clerk of the Council."

63. "Every amendment shall be read before being moved."

64. "No amendment shall be discussed, or put to the Council, until it shall have been seconded. The mover of an amendment shall have a right to nominate his seconder."

65. "A member shall not address the Council more than once on an amendment. The right of reply shall not extend to the mover of an amendment, which, having been carried, has become a substantive motion. A member, who has seconded an amendment in a formal manner, shall be permitted afterwards to speak upon it."

66. "Whenever an amendment upon the original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of. If an amendment be carried, the motion as amended shall take the place of the original motion, and shall become the question upon which any further amendment may be moved."

67. "No member shall be at liberty to move more than one amendment upon any motion."

68. "An amendment may be withdrawn by the mover with the consent of the Council, which shall be signified without debate, and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused."

(*b*) That the Consideration of the Question be Postponed.

69. "Any member of the Council may, at the conclusion of any speech, move that the consideration of the question be postponed to any stated period, or *sine die*. Such a motion must be seconded, but it need not be reduced to writing. The mover may speak for not more than five minutes, but the seconder shall not be permitted to speak beyond formally seconding it. Upon such a motion being made, the mover of the question under debate may (without prejudice to his ultimate right of reply if the motion be not

carried) be heard in reply for five minutes, after which the question shall be put without further debate."

70. "If postponement to a stated period be carried, the motion shall be placed first on the list of motions for the day to which it has been postponed."

71. "The motion may be withdrawn by the mover, with the consent of the Council signified without debate."

(c) That the Council do now adjourn.

72. "Any member of the Council may, at the conclusion of any speech, move that the Council do now adjourn. Such a motion must be seconded, but it need not be reduced to writing. The mover may speak for not more than five minutes, but the seconder shall not be permitted to speak beyond formally seconding it. Upon a motion being made, the mover of the question under debate may, (without prejudice to his ultimate right of reply if the motion be not carried), be heard in reply for five minutes, after which the question shall be put without further debate. If the motion be carried, the question under debate shall become a dropped motion."

73. "A second motion, that the Council do now adjourn, shall not be made within half an hour, unless, in the opinion of the Chairman, the circumstances of the case are materially altered. No member shall move or second more than one motion for the adjournment of the Council."

74. "On a motion for the adjournment of the Council, it shall be competent for the Chairman, before putting that motion, to take the pleasure of the Council as to whether it will proceed to the transaction of unopposed business. The motion may be withdrawn by the mover, with the consent of the Council signified without debate."

(d) That the Debate be Adjourned

75. "Any member of the Council may, at the conclusion of any speech, move that the debate be adjourned. Such a motion must be seconded, but it need not be reduced to writing. The mover may speak for not more than five

minutes, but the seconder shall not be permitted to speak beyond formally seconding it. Upon such a motion being made, the mover of the question under debate may, (without prejudice to his ultimate right of reply if the motion be not carried), be heard in reply for five minutes, after which the question shall be put without any further debate."

76. "If the motion be carried, the discussion shall be resumed at the next meeting of the Council, and the Council shall proceed to the next business on the paper."

77. "On resuming an adjourned debate, the member, who moved its adjournment shall be entitled to speak first."

78. "A second motion—that the debate be adjourned, shall not be made within half an hour."

79. "No member shall move or second more than one motion for adjournment of the same debate."

80. "The motion may be withdrawn by the mover, with the consent of the Council, signified without debate."

(e) That the Question be now put.

81. "It shall be competent for any member at the close of any speech to move, without debate, that the question be now put; and the motion, if seconded, shall, unless the Chairman rule otherwise, be put forthwith. Should the motion be carried, the motion or amendment under debate shall be at once put."

(f) That the Council do proceed to the next Business.

82. "It shall be competent for any member, at the close of any speech, to move, without debate, that the Council proceed to the next business, and if the motion be seconded, it shall be put forthwith."

83. "When a motion is carried that the Council do proceed to the next business, the question under discussion shall be considered as dropped."

84. "A second motion that the Council do proceed with the next business shall not be made within half an hour."

85. "The motion may be withdrawn by the mover with the consent of the Council signified without debate."

86. "All acts of the Council, and all questions coming or arising before the Council, may be done and decided by the majority of such members of the Council as are present, whether voting or not, not being less than one-fourth of the number of the whole Council." Voting.

88. Relates to the mode of voting.

89. "In case of equality of votes, the Chairman shall have a second or casting vote."

91. "Minutes of the proceedings of every meeting of the Council shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed by the Chairman of the meeting." Minutes.

92. "The minutes of the Council shall be printed."

93. "The statements of the Finance Committee are to be recorded as addenda to the minutes of the Council, and to be signed as part of the proceedings of the Council."

94. "Copies of the minutes are to be sent to the Vestries and District Boards, the School Board for London, and the Metropolitan Asylums Board."

95. "The Council may from time to time appoint Committees, either general or special, and consisting of such number of persons as the Council may think fit for any purposes which, in the opinion of the Council, would be better regulated and managed by meetings of such Committees." Committees' Appointment.

96. "The Council shall, in the month of March every year, appoint Standing Committees for the ensuing year."

98. "The Council may delegate to a Committee, with or without regulations and conditions, the powers and duties transferred under the Local Government Act, except the power of making a rate or raising money."

104. "The Chairman, Vice-Chairman, and Deputy-Chairman shall be *ex-officio* members of the Committee."

120. "The Council may regulate the quorum of any

Committee. In default of the Council, the Committee may from time to time direct what number shall form a quorum."

121. "The quorum of a Committee shall not be less than one-fifth of the number of its members, exclusive of *ex-officio* members."

Committee Procedure.

127. "The Council may make regulations as to the procedure of all or any of the Committees. In default of the Council, the procedure may be regulated by the Committee itself."

128. "Each Committee shall, subject to these Standing Orders, and by any other orders hereafter made by the Council, regulate its own procedure."

130. "Every matter brought before a Committee shall be decided by a majority of those present and voting. The voting shall be by show of hands. Any two members of the Committee then present and voting may require the names of the persons voting, and the votes given, to be entered in the minutes. The Chairman may vote in the first instance, and in case of an equality of votes, may have a second or casting vote. Where a Chairman has not voted in the first instance, he may, in the case of an equality of votes, give a casting vote."

Minutes.

131. "Every Council shall make minutes of its proceedings, and cause the same to be duly entered in a book kept for the purpose."

132. "At every meeting of a Committee, the minutes of the last meeting shall be read, as the first business after the Chairman has taken his seat, and, if accurate, shall be signed by the Chairman. The minutes shall be taken as read if the Chairman shall have previously examined them, and shall vouch for their correctness; subject, however, to any member of the Committee then present requiring all or any of them to be read, in which case, each minute or minutes shall be read accordingly."

133. "No motion or discussion shall be allowed upon the minutes, except as to their accuracy, and any objection on that ground must be made by motion."

134. "The minute-book of every Committee shall be open for the inspection of any member of the Council during office hours."

135. "The Council may direct that any acts or proceedings of a Committee need not be reported to it for approval." Reports.

136. "Subject to the above exception, all Committees must report their proceedings to the Council (L. G. Act, 8 (2)), and until otherwise ordered, every act of a Committee must receive the approval of the Council before being valid.—M. C. Act, Sec. 22 (2)."

137. "Every Committee shall report at least once a month."

140. "After any recommendation of a Committee has been agreed to by the Council, the same shall forthwith be carried out by the Committee to which it is referred."

141. "Any Committee of the Council may appoint one or more Sub-Committees for any purpose within its reference, which in its opinion can be more usefully carried out by a Sub-Committee. A Sub-Committee may be appointed for such time, and subject to such limitations and conditions as to report and otherwise, as the Committee appointing it may from time to time think fit. The Chairman of a Committee shall be, *ex-officio*, a member of every Sub-Committee of the Committee of which he is Chairman." Sub-Committees.

142. "Every Sub-Committee, unless previously discontinued, shall cease at the same time as the Committee appointing it."

189. "Every qualified person, who, having consented to be nominated, has been elected to the office of Chairman, Alderman, or Councillor, and who shall not accept the office, Refusal to Serve.

shall (unless within the statutory exceptions) pay to the Council a fine of £1 Sterling."

Resignation.

190. Any person elected to any of the offices aforesaid may resign the same by writing, signed by him, and delivered to the Clerk of the Council, on payment of a fine of £1 Sterling."

Suspension of Standing Orders.

200. "No Standing Order shall be suspended without the consent of a majority of the whole Council, or of three-fourths of the members present."

CHAPTER VI.

DISTRICT COUNCILS.

BEFORE the passing of the Parish Councils Act, England (exclusive of the Metropolis) was, for sanitary purposes, divided into districts called:—

1. Urban Sanitary Districts.
2. Rural Sanitary Districts.

Urban Sanitary Districts were Boroughs, Improvement Act Districts, and Local Government Districts; and Rural Sanitary Districts consisted of any union of parishes, of which no part was within the area of any Urban Sanitary District.

But under the Parish Councils Act, Urban Sanitary Districts are now called *Urban Districts*, under the control of an Urban District Council; and Rural Sanitary Districts, *Rural Districts*, under a Rural District Council, which take the places of the previous sanitary authorities.

1. URBAN DISTRICT COUNCILS.

The following alterations have taken place with regard to Councils in urban districts other than boroughs.

The Chairman, who is to be appointed by the Councillors at their annual meeting, need not necessarily be one of the Councillors, but he must not be under any of the disqualifications mentioned as to Councillors in Section 46.

Should the Chairman die, resign, or become incapable of acting before the expiration of his year of office, the Council

must appoint some one in his place for the unoccupied portion of his term.

The Council may also, if they think fit, appoint a Vice-Chairman to hold office until the next annual meeting. In the absence of, or during the inability of, the Chairman, the Vice-Chairman will have the powers and authority of the Chairman.

District Councils take over many of the powers and duties of present Justices of the Peace, and the Chairman is to be a Justice of the Peace. The powers, duties, and liabilities of the rural sanitary authority, and of the highway authority in the district, are to be transferred to District Councils, and Highway Boards will cease to exist. It is provided that in cases where the urban district is not a borough, there shall be no *ex-officio* members; that persons shall not be qualified for election unless they are parochial electors, or have resided in the district twelve months, and they may be either male or female; they shall be elected by the parochial electors, who may give one vote for each of any number of persons to be elected. The term of office is to be three years, and one-third to retire annually. In rural districts, the Councillors shall be elected by the parishes in the same number for each parish as the guardians of the poor for that parish, and, while acting as Councillors, shall be deemed to be guardians, and guardians as such shall not be elected. District Councillors shall have the same qualification, mode of election, term of office, and retirement, as is provided with respect to guardians under this Act. It shall be the duty of the District Council, when it has been represented to them by the Parish Council that any right-of-way has been stopped, or obstructed, or any roadside waste encroached on, to take proceedings, and if they fail to do so, the duty devolves on the County Council. The following powers and duties of Justices of the Peace

out of session are transferred to District Councils, *viz.*: to grant licenses to gang-masters, pawnbrokers, game dealers, passage brokers, emigrant runners, and to abolish or alter fairs, and put into execution the Acts relating to petroleum and infant life protection, and to take the fees payable in respect of those powers and duties. District Councils may appoint Committees, and make use of Board room and offices of Guardians.

The expenses of an Urban District Council may in boroughs be defrayed out of the Borough Fund, or rate, and in any other case out of the General District Rate applicable towards defraying the expenses of the execution of the Public Health Act, 1875. The expenses of a rural district shall be defrayed in the same manner as those of a rural sanitary authority under the same Act of 1875, provided that highway expenses shall be defrayed as general expenses.

Save as specially provided, this part of the Act does not apply to the administrative County of London, or to a county borough.

Election and Qualification of Guardians.

Sec. 20. (1) The following provisions apply to Boards of Guardians :—

(1) There shall be no *ex-officio* or nominated Guardians.

(2) A person shall not be qualified to be elected or to be a Guardian for a Poor Law Union unless he is a parochial elector of some parish within the Union, or has during the whole of the twelve months preceding the election resided in the Union; or in the case of a Guardian for a parish wholly or partly situate within the area of a borough, whether a county borough or not, is qualified to be elected a Councillor for that borough, and no person shall be disqualified by sex or marriage for being elected or being a Guardian. So much of any enactment, whether in a public, general, or local and personal Act as relates to the qualification of a Guardian shall be repealed.

(3) The parochial electors of a parish shall be the electors for the Guardians for the parish, and, if the parish is divided into wards for the election of Guardians, the electors of the Guardians for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward.

(4) Each elector may give one vote, and no more, for each of any number of persons not exceeding the number to be elected.

(5) The election shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board.

(6) The term of office of a Guardian shall be three years, and one-third, as nearly as may be, of every Board of Guardians shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly-elected Guardians, provided as follows:—

(a) Where the County Council, on the application of the Board of Guardians of any Union in their county, consider that it would be expedient to provide for the simultaneous retirement of the whole of the Board of Guardians for the Union, they may direct that the members of the Board of Guardians for that Union may retire together on the fifteenth day of April in every third year, and such order shall have full effect; and where a Union is in more than one county, an order may be made by a Joint Committee of Councils of those two counties.

(b) Where at the passing of this Act the whole of the Guardians of any Union, in pursuance of an order of the Local Government Board, retire together at the end of every third year, they shall continue so to retire, unless the County

Council, or a Joint Committee of the County Council on the application of the Board of Guardians, or of any District Council of a district wholly or partially within the Union, otherwise direct.

(7) A Board of Guardians may elect a Chairman or Vice-Chairman, or both, and not more than two other persons from outside their own body, but from persons qualified to be Guardians of the Union; and any person so elected shall be an additional Guardian and member of the Board. Provided that on the first election, if a sufficient number of persons who have been *ex-officio* or nominated Guardians of the Union, and have actually served as such, and are willing to serve, the additional members shall be elected from among those persons.

Sec. 21. As from the appointed day:—

Names of County Districts and District Councils.

(1) Urban sanitary authorities shall be called Urban District Councils, and their districts shall be called urban districts.

(2) For every rural sanitary district there shall be a Rural District Council, whose district shall be called a rural district.

(3) In this, and every other Act of Parliament, unless the context otherwise requires, the expression "District Council" shall include the Council of every urban district, whether a borough or not, and of every rural district; and the expression "County District" shall include every urban and rural district whether a borough or not.

Chairman of Council to be Justice.

Sec. 22. The Chairman of a District Council, unless a woman or personally disqualified by any Act, shall be by virtue of his office Justice of the Peace for the county in which the district is situate; but before acting as such Justice, he shall, if he has not already done so, take the oaths required by law to be taken by a Justice of the Peace, other than the oath respecting the qualification by estate.

Constitution of District Councils in Urban Districts not being Boroughs.

Sec. 23. As from the appointed day, where an urban district is not a borough:—

(1) There shall be no *ex-officio* or nominated members of the urban sanitary authority.

(2) A person shall not be qualified to be elected, or to be a Councillor, unless he is a parochial elector of some parish within the district, or has during the whole of the twelve months preceding the election resided in the district; and no person shall be disqualified by sex or marriage for being elected or being a Councillor. So much of any enactment whether in a public, general, or local and personal Act as relates to the qualification of a member of an urban sanitary authority, shall be repealed.

(3) The parochial electors of the parishes in the district shall be the electors of the Councillors of the district, and, if the district is divided into wards, the electors of the Councillors for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward.

(4) Each elector may give one vote, and no more, for each of any number of persons not exceeding the number to be elected.

(5) The election shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board.

(6) The term of office of a Councillor shall be three years, and one-third, as nearly as may be, of the Council, and if the district is divided into wards, one-third, as nearly as may be, of the Councillors for each ward shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly-elected Councillors. Provided that a County Council may, on request made by a resolution of an Urban District Council, passed by two-thirds of the members voting on the resolution, direct that the members of such Council shall retire together on the

fifteenth day of April in every third year, and such order shall have full effect.

Sec. 24. (1) The District Council of every rural district shall consist of a Chairman and Councillors, and the Councillors shall be elected by the parishes or other areas for the election of Guardians in the district.

(2) The number of Councillors for each parish or other area in a rural district shall be the same as the number of Guardians for that parish or area.

(3) The District Councillors for any parish or other area in a rural district shall be the representatives of that parish or area on the Board of Guardians, and when acting in that capacity shall be deemed to be Guardians of the Poor, and Guardians as such shall not be elected for that parish or area.

(4) The provisions of this Act, with respect to the qualification, election, and term of office and retirement of Guardians, and to the qualification of the Chairman of the Board of Guardians, shall apply to District Councillors, and to the Chairman of the District Council of a rural district, and any person qualified to be a Guardian for a Union comprising the district shall be qualified to be a District Councillor for the district.

(5) Where a rural sanitary district is on the appointed day situate in more than one administrative county, such portion thereof as is situate in each administrative county shall, save as otherwise provided by or in pursuance of this or any other Act, be as from the appointed day a rural district.

Provided that where the number of Councillors of any such district will be less than five, the provisions so far as unrepealed, of Section 9 of the Public Health Act, 1875, with respect to the nomination of persons to make up the members of a rural authority to five, shall apply, unless the Local Government Board by order direct that the affairs of the district shall be temporarily administered by the District

Council of an adjoining district in another county with which it was united before the appointed day, and, if they so direct, the Councillors of the district shall be entitled, so far as regards those affairs, to sit and act as members of that District Council, but a separate account shall be kept of receipts and expenses in respect of the district, and the same shall be credited or charged separately to the district.

(6) The said provisions of Section 9 of the Public Health Act, 1875, shall apply to the District Council of a rural district to which they apply at the passing of this Act.

(7) Every District Council for a rural district shall be a body corporate by the name of the District Council, with the addition of the name of the district, or if there is any doubt as to the latter name, of such name as the County Council may direct, and shall have perpetual succession and a common seal, and may hold land for the purposes of their powers and duties without license in mortmain.

Powers of District Council with respect to Sanitary and Highway Matters.

Sec. 25. (1) As from the appointed day there shall be transferred to the District Council of every rural district all the powers, duties, and liabilities of the rural sanitary authority in the district, and of any highway authority in the district; and Highway Boards shall cease to exist, and Rural District Councils shall be the successors of the Rural Sanitary Authority and the Highway Authority; and shall also have as respects highways all the powers, duties, and liabilities of an urban sanitary authority under Sections 144 to 148 of the Public Health Act, 1875, and those Sections shall apply in the case of a rural district and of the Council thereof in like manner as in the case of a rural district and of the Council therefore in like manner as in the case of an urban district and an urban authority. Provided that the Council of any county may, by order, postpone within their county, or any part thereof, the operation of this Section, so far as it relates to highways, for a term not

exceeding three years from the appointed day, or such further period as the Local Government Board may, on the application of such Council, allow.

(2) Where a highway repairable *ratione tenuræ* appears on the report of a competent surveyor not to be in proper repair, and the person liable to repair the same fails when requested so to do by the District Council to place it in proper repair, the District Council may place the highway in proper repair, and recover from the person liable to repair the highway the necessary expenses of so doing.

(3) Where a highway authority receives any contribution from the County Council towards the cost of any highway under Section 11, Sub-section 10, of the Local Government Act, 1888, such contribution may be made, subject to any such conditions for the proper maintenance and repair of such highways as may be agreed on between the County Council and the highway authority.

(4) Where the Council of a rural district become the highway authority for that district, any excluded part of a parish, under Section 216 of the Public Health Act, 1875, which is situate within that district, shall cease to be part of any urban district for the purpose of highways, but until the Council become the highway authority such excluded part of a parish shall continue subject to the said Section.

(5) Rural District Councils shall also have such powers, duties, and liabilities of urban sanitary authorities under the Public Health Acts, or any other Act, and such provisions of any of those Acts referring to urban districts shall apply to rural districts, as the Local Government Board by general order may direct.

(6) The power to make such general orders shall be in addition to, and not in substitution for, the powers conferred by the Board by Section 276 of the Public Health Act, 1875, or by any enactment applying that Section; and every

order made by the Local Government Board under this Section shall be forthwith laid before Parliament.

(7) The powers conferred on the Local Government Board by the Section 276, or by any enactment applying that Section, may be exercised on the application of a County Council, or with respect to any parish, or part of a parish, on the application of the Parish Council of that parish.

Sec. 26. (1) It shall be the duty of every District Council to protect all public rights-of-way, and to prevent as far as possible the stopping or obstruction of any such right-of-way, whether within their district or in an adjoining district in the county or counties in which the district is situate, where the stoppage or obstruction thereof would, in their opinion, be prejudicial to the interests of their district, and to prevent any unlawful encroachment on any roadside waste within their district.

Commons.

(2) A District Council may, with the consent of the County Council for the county within which any common land is situate, aid persons in maintaining rights of common where, in the opinion of the Council, the extinction of such rights would be prejudicial to the inhabitants of the district; and may, with the like consent, exercise in relation to any common within their district all such powers as may, under Section 8 of the Common Act, 1876, be exercised by an urban sanitary authority in relation to any common referred to in that Section; and notice of any application to the Board of Agriculture in relation to any common within their district shall be served upon the District Council.

(3) A District Council may, for the purpose of carrying into effect this Section, institute or defend any legal proceedings, and generally take such steps as they deem expedient.

(4) Where a Parish Council have represented to the District Council that any public right-of-way within the district or an adjoining district in the county or counties in which the district is situate has been unlawfully stopped or obstructed, or that an unlawful encroachment has taken place on any roadside waste within the district, it shall be the duty of the District Council, unless satisfied that the allegations of such representation are incorrect, to take proper proceedings accordingly; and if the District Council refuse or fail to take any proceedings in consequence of such representation, the Parish Council may petition the County Council for the county within which the way or waste is situate, and if that Council so resolve, the powers and duties of the District Council under this Section shall be transferred to the County Council. Parish Council may petition County Council in default of District Council.

(5) Any proceedings or steps taken by a District Council or County Council in relation to any alleged right-of-way shall not be deemed to be unauthorised by reason only of such right-of-way not being found to exist.

(6) Nothing in this Section shall affect the powers of the County Council in relation to roadside wastes.

(7) Nothing in this Section shall prejudice any powers exercisable by an urban sanitary authority at the passing of this Act, and the Council of every county borough shall have the additional powers conferred on a District Council by this Section.

Sec. 27. (1) As from the appointed day, the powers, duties, and liabilities of Justices out of session in relation to any of the matters following, that is to say:— Licensing.

(*a*) The licensing of gang masters.
(*b*) The grant of pawnbrokers' certificates.
(*c*) The licensing of dealers in game.
(*d*) The grant of licences for passage brokers and emigrant runners.

(*e*) The abolition of fairs and alteration of days for holding fairs.

(*f*) The execution as the local authority of the Acts relating to petroleum and infant life protection, when arising within a county district, shall be transferred to the District Council of the district.

Knackers' Yards.

(2) As from the appointed day, the powers, duties, and liabilities of Quarter Sessions in relation to the licensing of knackers' yards within a county district, shall be transferred to the District Council of the district.

Fees.

(3) All fees payable in respect of the powers, duties, and liabilities transferred by this Section shall be payable to the District Council.

(*d*) Where highway expenses would, if this Act had not passed, have been in whole or in part defrayed in any parish or other area out of any property or funds other than rates, the District Council shall make such provision as will give to that parish or area the benefit of such property or funds by way of reduction of rates on the parish or area.

Guardians in London and County Boroughs.

Sec. 30. The provisions of this part of this Act respecting Guardians shall apply to the administrative county of London, and in every county borough.

Provisions as to London Vestries and District Boards.

Sec. 31. (1) The provisions of this Act, with respect to the qualification of the electors of Urban District Councillors, and of the persons to be elected, and with respect to the mode of conducting the election, shall apply as if members of the local Board of Woolwich, and the vestries elected under the Metropolis Management Acts, 1855 to 1890, or any Act amending those Acts, and the auditors for parishes elected under those Acts ; and so far as respects the qualification of persons to be elected, as if members of the District Boards under the said Acts were Urban District Councillors, and no person shall, *ex-officio*, be Chairman of any of the

said vestries. Provided that the Elections (Hours of Poll) Act, 1885, shall apply to elections to the said vestries.

(2) Each of the said vestries, except those electing District Boards, and each of the said District Boards and the local Board of Woolwich, shall, at their first meeting after the annual election of members, elect a Chairman for the year, and Section 1 of the Metropolis Management Act, 1855, shall apply only in case of the absence of such Chairman, and the provisions of this Act, with respect to Chairmen of Urban District Councils being Justices, shall apply as if the said vestries and Boards were Urban District Councils.

(3) Nothing in any local and personal Act shall prevent any vestry in the county of London from holding their meeting at such time as may be directed by the vestry.

Application to County Boroughs of Provisions as to Transfer of Justices' Powers.

Sec. 32. The provisions of this part of this Act respecting the powers, duties, and liabilities of Justices out of session, or of Quarter Sessions, which are transferred to a District Council, shall apply to a county borough as if it were an urban district, and the County Borough Council were a District Council.

Power to apply certain Provisions of Act to Urban Districts and London.

Sec. 33. (1) The Local Government Board may, on the application of the Council of any municipal borough, including a county borough, or of any other urban district, make an order conferring on that Council or some other representative body within the borough or district all or any of the following matters, namely, the appointment of overseers and assistant overseers, the revocation of appointment of assistant overseers, any powers, duties, or liabilities of overseers, and any powers, duties, or liabilities of a Parish Council, and applying with the necessary modifications the provisions of this Act with reference thereto.

(2) Where it appears to the Local Government Board that, by reason of the circumstances connected with any

parish in a municipal borough (including a county borough) or other urban district divided into wards, or with the parochial charities of that parish, the parish will not, if the majority of the body of trustees administering the charity are appointed by the Council of the borough or district, be properly represented on that body, they may, by their order, provide that such of those trustees as are appointed by the Council, or some of them, shall be appointed on the nomination of the Councillors elected for the ward or wards comprising such parish or any part of the parish.

(3) Any order under this Section may provide for its operation extending either to the whole or specified parts of the area of the borough or urban district, and may make such provisions as seem necessary for carrying the order into effect.

(4) The order shall not alter the incidence of any rate, and shall make such provisions as may seem necessary and just for the preservation of the existing interests of paid officers.

(5) An order under this Section may also be made on the application of any representative body with a borough or district.

(6) The provisions of this Section respecting Councils of urban districts shall apply to the administrative county of London in like manner as if the district of each sanitary authority in that county were an urban district, and the sanitary authority were the Council of that district.

(7) The Local Government Board shall consult the Charity Commissioners before making any order under this Section with respect to any charity.

Supplemental Provisions as to Control of Overseers in Urban Districts.

Sec. 34. Where an order of the Local Government Board under this Act confers on the Council of an urban district, or some other representative body within the district, either the appointment of overseers and assistant

overseers, or the powers, duties, and liabilities of overseers, that order or any subsequent order of the Board may confer on such Council or body the powers of the vestry under the third and fourth Sections of the Poor Rate Assessment and Collection Act, 1869.

Restrictions on Application of Act to London, etc.

Sec. 35. Save as specially provided by this Act, this Part of this Act shall not apply to the administrative county of London, or to a county borough.

Disqualifications for Parish or District Council.

Sec. 46. (1) A person shall be disqualified for being elected or being a member or Chairman of a Council of a parish or of a district other than a borough, or of a Board of Guardians, if he—

(*a*) Is an infant or alien ; or

(*b*) Has within twelve months before his election, or since his election, received union or parochial relief ; or

(*c*) Has, within five years before his election, or since his election, been convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, been adjudged bankrupt, or made a composition or arrangement with his creditors ; or

(*d*) Holds, any paid office under the Parish Council or District Council or Board of Guardians, as the case may be ; or

(*e*) Is concerned in any bargain or contract entered into with the Council or Board, or participates in the profit of any such bargain or contract, or of any work done under the authority of the Council or Board.

(2) Provided that a person shall not be disqualified for

being elected or being a member or Chairman of any such Council or Board by reason of being interested—

(*a*) In the sale or lease of any lands, or in any loan of money to the Council or Board, or in any contract with the Council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or

(*b*) In any newspaper in which any advertisement, relating to the affairs of the Council or Board, is inserted; or in any contract with the Council or Board as a shareholder in any joint stock company; but he shall not vote at any meeting of the Council or Board on any question in which such company are interested, except that in the case of a Water Company or other company, established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the County Council.

(3) Where a person who is a Parish Councillor, or is a candidate for election as a Parish Councillor, is concerned in any such bargain or contract, or participates in any such profit as would disqualify him for being a Parish Councillor, the disqualification may be removed by the County Council if they are of opinion that such removal will be beneficial to the parish.

(4) Where a person is disqualified by being adjudged bankrupt, or making a composition or arrangement with his creditors, the disqualification shall cease in case of bankruptcy when the adjudication is annulled, or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his

part, and, in case of composition or arrangement, on payment of his debts in full.

(5) A person disqualified for being a Guardian shall also be disqualified for being a Rural District Councillor.

(6) If a member of a Council of a parish, or of a district other than a borough, or of a Board of Guardians, is absent from meetings of the Council or Board for more than six months consecutively, except in case of illness, or for some reason approved by the Council or Board, his office shall, on the expiration of those months, become vacant.

(7) Where a member of a Council or Board of Guardians becomes disqualified for holding office, or vacates his seat for absence, the Council or Board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the Clerk of the Council or Board, and notified in such manner as the Council or Board direct, and the office shall thereupon become vacant.

(8) If any person acts when disqualified, or votes when prohibited under this Section, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(9) This Section shall apply in the case of any authority whose members are elected in accordance with this Act in like manner as if that authority were a District Council, and in the case of London auditors as if they were members of a District Council.

Committees of Parish or District Councils.

Sec. 56. (1) A Parish or District Council may appoint committees consisting wholly or partly of members of the Council for the exercise of any powers which, in the opinion of the Council, can be properly exercised by committees, but a committee shall not hold office beyond the next annual meeting of the Council, and the acts of every such committee shall be submitted to the Council for their approval.

Provided that where a committee is appointed by any District Council for any of the purposes of the Public Health Acts or Highway Acts, the Council may authorise the committee to institute any proceeding, or do any act which the Council might have instituted or done for that purpose, other than the raising of any loan or the making of any rate or contract.

(2) Where a Parish Council may have any powers and duties which are to be exercised in a part only of the parish, or in relation to a recreation ground, building, or property held for the benefit of a part of a parish, and the part has a defined boundary, the Parish Council shall, if required by a parish meeting held for that part, appoint annually to exercise such powers and duties, a committee consisting partly of members of the Council and partly of other persons representing the said part of the parish.

(3) With respect to committees of Parish and District Councils, the provisions in the First Schedule to this Act shall have effect.

(4) This Section shall not apply to the Council of a borough.

Joint Committees.

Sec. 57. (1) A Parish or District Council may concur with any other Parish or District Council or Councils in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested, and in conferring with or without conditions or restrictions on any such committee any powers which the appointing Council might exercise if the purpose related exclusively to their own parish or district.

(2) Provided that a Council shall not delegate to any such committee any power to borrow money or to make any rate.

(3) A joint committee appointed under this Section shall not hold office beyond the expiration of fourteen days after

the next annual meeting of any of the Councils who appointed it.

(4) The costs of a joint committee under this Section shall be defrayed by the Councils by whom it is appointed in such proportions as they may agree upon, or as may be determined in case of difference by the County Council.

(5) Where a Parish Council can under this Act be required to appoint a committee consisting partly of members of the Council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the Parish Councils concerned at the time of the appointment of such committee.

Audit of Accounts of District and Parish Councils, and Inspection.

Sec. 58. (1) The accounts of the receipts and payments of Parish and District Councils, and of parish meetings for parishes not having Parish Councils, and their committees and officers, shall be made up yearly to the thirty-first day of March, or in the case of accounts which are required to be audited half-yearly, then half-yearly to the thirtieth day of September and the thirty-first day of March in each year, and in such form as the Local Government prescribe.

(2) The said accounts shall, except in the case of accounts audited by the auditors of a borough (but inclusive of the accounts of a joint committee appointed by a Borough Council with another Council not being a Borough Council), be audited by a district auditor, and the enactments relating to audits by district auditors of accounts or urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, shall apply accordingly, except that in the case of the accounts of Rural District Councils, their committees and officers, the audit shall be half-yearly instead of yearly.

(3) The Local Government Board may, with respect to any audit to which this Section applies, make rules modifying the enactments as to publication of notice of the audit,

and of the abstract of accounts, and the report of the auditor. Every parochial elector of a parish may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts and documents belonging to or under the control of the Parish Council of the parish or parish meeting.

Supplemental Provisions as to District Councils.

Sec. 59. (1) Section 199, and Schedule 1 of the Public Health Act, 1875, so far as that schedule is unrepealed (which relate to the meetings of urban authorities, and to the meetings and proceedings of Local Boards), shall apply in the case of every Urban District Council, other than a Borough Council, and of every Rural District Council and Board of Guardians, as if such District Council or Board were a Local Board, except that the Chairman of the Council or Board may be elected from outside the Councillors or Guardians.

(2) Any Urban District Council other than a Borough Council, or any Rural District Council and Board of Guardians may, if they think fit, appoint a Vice-Chairman to hold office during the term of office of the Chairman, and the Vice-Chairman shall, in the absence or during the inability of the Chairman, have the powers and authority of the Chairman.

(3) Any Rural District Council shall be entitled to use for the purpose of their meetings and proceedings the Board Room and offices of any Board of Guardians for the Union comprising their district at all reasonable hours, and if any question arises as to what hours are reasonable, it may be determined by the Local Government Board.

(4) Nothing in this Section shall affect any powers of the Local Government Board with respect to the proceedings of Guardians.

(5) If any District Council, other than a Borough Council, become unable to act, whether from failure to elect or otherwise, the County Council of the county in

which the district is situate may order elections to be held, and may appoint persons to form the District Council until the newly-elected members come into office.

(6) Nothing in this Act shall affect any powers of the Secretary of State under the Public Health Supplemental Act for Aldershot, 1857, or the position of persons nominated under those powers.

The following are the alterations with regard to vestries, made by the Parish Councils Act, 1894:—

All powers, duties, and liabilities of the vestry shall, so far as they relate to the affairs of the church, or to ecclesiastical charities, or are transferred by that Act to any other authority, be transferred to the parish meeting, and the powers of the vestry, under the Highway Acts, are transferred to the Rural District Council.

In future, there is to be no *ex-officio* Chairman of such vestries. In such vestries, the Chairman is to be chosen each year at the first meeting after the annual election; and unless a woman, or personally disqualified, is to be, by virtue of his office, a Justice of the Peace for the County in which the district is situate.

If the Chairman so appointed is absent from a meeting, the vestry, before proceeding to business, will have to elect some one to take his place.

Under the old Acts, the qualification of a vestryman in the Metropolis depended on occupation, and the payment of certain rates; now, any person, male or female (whether married or not), who is either a parochial elector (see p. 60) or a resident in the parish during the preceding twelve months, may be a vestryman; and all other enactments relating to the qualifications of vestrymen are repealed. Vestrymen are now elected by the parochial electors instead of by the ratepayers.

The system of cumulative voting under Sturges Bourne's

Act is now abolished, and no elector will in future be entitled to more than one vote on any question, or one for each of any number of persons not exceeding the number to be elected.

By the interpretation clause, the expression "Vestry" in relation to a parish means the inhabitants of a parish whether assembled at a meeting or not, and includes any select vestry either by statute or at common law.

Municipal Corporations.

Municipal or town Corporations were until recently, with the exception of London, regulated by 5 and 6 William IV., c. 76, by which all existing laws, usages, grants, and charters were abolished, but reserved to inhabitants, freemen, burgesses, and apprentices, and to the sons, sons-in-law, daughters, wives, and widows of freemen and burgesses certain interests in charitable funds, and to the latter, the right of voting in Parliamentary elections, providing, however, future admissions by gift or purchase.

The burgesses qualified to vote at municipal elections must be of full age, who have occupied a house or shop within its limits for two preceding years, and have regularly resided within seven miles of its limits, and have, during that time, been rated to the relief of the poor of some parish in the borough.

Under the Local Government Act of 1888, Stat. 51 and 52 Vict., c. 41, considerable alterations and extensions were made in the powers and duties of Borough Councils, but the mode of procedure under the Municipal Corporations Act, 1882, hereafter quoted, continues:—

Boroughs are divided into *wards*, and the burgesses elect common Councillors for their respective wards, one-third of whom go out of office annually.

Half the Aldermen go out of office every year, but may be re-elected.

CHAPTER VII.

PARISH COUNCILS.

PARISH Councils are newly-constituted bodies, elected at parish meetings under the Act of 1894, and are for rural parishes only, that is, parishes forming part of rural sanitary districts. A rural sanitary district is that part of a Poor Law Union which is not comprised in any urban sanitary district.

They take over a considerable portion of the powers and duties formerly devolving on Vestries and local Boards, and at the same time many new duties have been established and entrusted to their administration.

The Parish Council for a rural parish is to consist of a Chairman and Councillors and the number of Councillors is to be fixed from time to time by the County Council. It must not be less than five, nor more than fifteen.

Many of their duties are of a special and continuous nature, and should be much better managed by a Council sitting at regular intervals, with the assistance of committees and permanent officials, than by a parish or vestry meeting only assembling occasionally, and without such assistance.

The duties laid down by the Act are very multifarious, and to avoid repetition many of the clauses are here given *in extenso*.

One important object, always kept in view by the legislature in framing this Act, appears to have been the encouraging the masses of the people, particularly in rural

districts, to conduct their own local business, and to exercise those rights which, by disuse, had fallen into the hands of others and been forgotten.

Constitution of Parish Meetings and Parish Councils.

Sec. 1. (1) There shall be a parish meeting for every rural parish, and there shall be a Parish Council for every rural parish which has a population of 300 or upwards. Provided that an order of the County Council in pursuance of Part 3 of this Act—

(*a*) Shall, if the parish meeting of a rural parish having a population of 100 or upwards so resolve, provide for establishing a Parish Council in the parish; and may, with the consent of the parish meeting of any rural parish, having a population of less than 100, provide for establishing a Parish Council in the parish; and

(*b*) May provide for grouping a parish with some neighbouring parish or parishes, under a common Parish Council, but with a separate parish meeting for every parish so grouped; so, however, that no parish shall be grouped without the consent of the parish meeting for that parish.

(2) For the purposes of this Act every parish in a rural sanitary district shall be a rural parish.

(3) When a parish is, at the passing of this Act, situate partly within and partly without a rural sanitary district, the part of the parish which is within the district and the part which is without, shall, as from the appointed day, but subject to any alteration of area made by or in pursuance of this, or any other Act, be separate parishes in like manner as if they had been constituted separate parishes under the Divided Parishes and Poor Law Amendment Act, 1876, and the Acts amending the same.

Sec. 2. (1) The parish meeting for a rural parish shall consist of the following persons, in this Act referred to as

parochial electors, and no others, namely, the persons registered in such portion either of the local government register of electors or of the parliamentary register of electors as relates to the parish.

(2) Each parochial elector may at any parish meeting, or at any poll consequent thereon, give one vote and no more on any question; or, in the case of an election, for each of any number of persons not exceeding the number to be elected.

(3) The parish meeting shall assemble at least once in every year, and the proceedings of every parish meeting shall begin not earlier than six o'clock in the evening.

(4) Subject to the provisions of this Act as to any particular person being the chairman of a parish meeting, the meeting may choose their own chairman.

(5) A poll consequent on a parish meeting shall be taken by ballot.

(6) The reasonable expenses of and incidental to the holding of a parish meeting or the taking of a poll consequent thereon shall be defrayed as hereinafter provided.

(7) With respect to parish meetings, the provisions in the First Schedule to this Act shall have effect.

Constitution of Parish Council.

Sec. 3. (1) The Parish Council for a rural parish shall be elected from among the parochial electors of that parish, or persons who have, during the whole of the twelve months preceding the election, resided in the parish or within three miles thereof, and shall consist of a chairman and Councillors, and the number of Councillors shall be such as may be fixed from time to time by the County Council, not being less than five nor more than fifteen.

(2) No person shall be disqualified by sex or marriage for being elected or being a member of a Parish Council.

(3) The term of office of a Parish Councillor shall be one year.

(4) On the fifteenth day of April in each year (in this

Act referred to as the ordinary day of coming into office of Councillors) the Parish Councillors shall go out of office, and their places shall be filled by the newly elected Councillors.

(5) The Parish Councillors shall be elected by the parochial electors of the parish.

(6) The election of Parish Councillors shall, subject to the provisions of this Act, be conducted according to rules framed under this Act for that purpose by the Local Government Board.

(7) The Parish Council shall in every year, on or within seven days after the ordinary day of coming into office of Councillors, hold an annual meeting.

(8) At the annual meeting the Parish Council shall elect from their own body, or from other persons qualified to be Councillors of the parish, a chairman, who shall, unless he resigns, or ceases to be qualified, or becomes disqualified, continue in office until his successor is elected.

(9) Every Parish Council shall be a body corporate by the name of the Parish Council, with the addition of the name of the parish, or if there is any doubt as to the latter name, of such name as the County Council, after consultation with the parish meeting of the parish, direct; and shall have perpetual succession, and may hold land for the purposes of their powers and duties without licence in mortmain; and any act of the Council may be signified by an instrument executed at a meeting of the Council, and under the hands, or, if an instrument under seal is required, under the hands and seals of the chairman presiding at the meeting, and two other members of the Council.

(10) With respect to meetings of Parish Councils, the provisions in the First Schedule to this Act shall have effect.

Use of School-room.

Sec. 4. (1) In any rural parish in which there is no suitable public room vested in the Parish Council or in the chairman of a parish meeting and the overseers which may be used

free of charge for the purposes in this section mentioned, the parochial electors and the Parish Council shall be entitled to use, free of charge, at all reasonable times, and after reasonable notice, for the purpose of—

(*a*) The parish meeting, or any meeting of the Parish Council; or

(*b*) Any inquiry for parochial purposes by the Local Government Board, or any other Government Department or Local Authority; or

(*c*) Holding meetings convened by the chairman of the parish meeting or by the Parish Council; or if as to allotments in the manner prescribed by the Allotments Act, 1890, or otherwise as the Local Government Board may by rule prescribe, to discuss any question relating to allotments, under the Allotments Acts, 1887 and 1890, or under this Act; or

(*d*) The candidature of any person for the District Council or the Parish Council; or

(*e*) Any committee or officer appointed, either by the parish meeting or Council, or by a County or District Council, to administer public funds in or for the purposes of the parish,

any suitable room in the school-house of any public elementary school receiving a grant out of moneys provided by Parliament, and any suitable room, the expense of maintaining which is payable out of any local rate.

Powers and Duties of Parish Councils and Parish Meetings.

Parish Council to appoint Overseers.

Sec. 5. (1) The power and duty of appointing overseers of the poor, and the power of appointing and revoking the appointment of an assistant overseer for every rural parish having a Parish Council, shall be transferred to and

vested in the Parish Council, and that Council shall in each year, at their annual meeting, appoint the overseers of the parish, and shall, as soon as may be, fill any casual vacancy occurring in the office of overseer of the parish, and shall in either case forthwith give written notice thereof in the prescribed form to the Board of Guardians.

Then follow provisions that churchwardens shall cease to be overseers, and an additional number of overseers may be appointed to replace them.

Transfer of certain Powers of Vestry and other Authorities to Parish Council.

Sec. 6. (1) Upon the Parish Council of a rural parish coming into office, there shall be transferred to that Council—

(*a*) The powers, duties, and liabilities of the vestry of the parish, except—

(i.) So far as relates to the affairs of the Church, or to ecclesiastical charities; and

(ii.) Any power, duty, or liability transferred by this Act from the vestry to any other authority.

(*b*) The powers, duties, and liabilities of the churchwardens of the parish, except so far as they relate to the affairs of the Church, or to charities, or are powers and duties of overseers, but inclusive of the obligations of the churchwardens with respect to maintaining and repairing enclosed churchyards wherever the expenses of such maintaining and repair are repayable out of the Poor Rate under the Burial Act, 1855; provided that such obligations shall not in the case of any particular parish be deemed to attach, unless or until the churchwardens, subsequently to the passing of this Act, shall give a certificate, as in the Burial Act, 1855, provided, in order to obtain the repayment of such expenses out of the Poor Rate; and

(*c*) The powers, duties, and liabilities of the overseers, or of the churchwardens and overseers of the parish with respect to—

(i.) Appeals or objections by them in respect of the valuation list, or appeals in respect of the poor rate, or county rate, or the basis of the county rate; and

(ii.) The provision of parish books and of a vestry room or parochial office, parish chest, fire engine, fire escape, or matters relating thereto; and

(iii.) The holding or management of parish property, not being property belonging to the affairs of the Church, or held for an ecclesiastical charity, and the holding or management of village greens, or of allotments, whether for recreation grounds or for gardens, or otherwise for the benefit of the inhabitants or any of them.

(*d*) The powers exercisable with the approval of the Local Government Board by the Board of Guardians for the Poor Law Union comprising the parish in respect of the sale exchange, or letting of any parish property.

Sec. 7. (1) As from the appointed day in every rural parish, the parish meeting shall exclusively have the power of adopting any of the following Acts, inclusive of any Acts amending the same (all which Acts are in this Act referred to as the Adoptive Acts), namely:—

(*a*) The Lighting and Watching Act, 1833.

(*b*) The Baths and Washhouses Acts, 1846 to 1882.

(*c*) The Burial Acts, 1852 to 1885.

(*d*) The Public Improvements Act, 1860.

(*e*) The Public Libraries Act, 1892.

(2) Where, under any of the said Acts, a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act, the like majority of the parish meeting, or if a poll is taken of the parochial electors, shall be required; and where under any of the

said Acts the opinion of the voters is to be ascertained by voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided for in this Act.

(3) Where, under any of the said Acts, the consent or approval of, or other act on the part of the vestry of a rural parish is required in relation to any expense or rate, the parish meeting shall be substituted for the vestry, and for this purpose the expression "vestry" shall include any meeting of ratepayers or voters.

(4) Where there is power to adopt any of the Adoptive Acts, for a part only of a rural parish, the Act may be adopted by a parish meeting held for that part.

(5) Where the area under any existing authority acting within a rural parish in the execution of any of the Adoptive Acts is co-extensive with the parish, all powers, duties, and liabilities of that authority shall, on the Parish Council coming into office, be transferred to that Council.

(6) This Act shall not alter the incidence of charge of any rate levied to defray expenses incurred under any of the Adoptive Acts; and any such rate shall be made and charged as heretofore, and any property applicable to the payment of such expenses shall continue to be so applicable.

(7) When any of the Adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a Parish Council, the Parish Council shall be the authority for the execution of the Act.

(8) For the purposes of this Act, the passing of a resolution to provide burial ground under the Burial Acts, 1852 to 1885, shall be deemed an adoption of those Acts.

Sec. 8. A Parish Council shall have additional powers to acquire buildings for offices, and land for recreation grounds or public works; to provide facilities for obtaining water; to deal with ponds, ditches, drains, and rights-of-way; to accept and hold property for the parish.

A Parish Council may let, sell, or exchange land or buildings.

Sec. 9. For the purpose of the acquisition of land (except otherwise than by agreement) the Lands Clauses Act, and Section 178 of the Public Health Act, 1875, shall be incorporated with this Act.

If unable to acquire land on reasonable terms, the County Council, or, if they refuse, the Local Government Board, may on application by the Parish Council make an order for putting in force the provisions of the Lands Clauses Act, for taking of land otherwise than by agreement. (See p. 20.)

Land purchased otherwise than for allotments shall be assured to the Parish Council, and land purchased by a County Council for allotments under the Allotments Acts, 1887 and 1890, and this Act, shall be assured to the Parish Council. (See p. 20.)

Sec. 10. Parish Councils may hire land for allotments by agreement, and where unable to do so, may apply to the County Council, who may make an order authorising the Parish Council to hire compulsorily such land as is specified in the order.

An arbitrator shall be appointed under Section 3 of the Allotments Act, 1887, who shall have power to determine questions as to compensation, apportionment of rent, and other matters.

Permanent pasture not to be broken up without the assent of the landlord.

Sec. 11. A Parish Council shall not *without the consent* of a parish meeting incur expenses which will involve a rate exceeding threepence in the pound for any year, or which will involve a loan.

The sum raised in any year by a Parish Council shall not exceed a sum equal to a rate of sixpence in the pound.

Though not so stated in the Act, this doubtless means *with* the consent of a parish meeting.

Subject to the provisions of this Act, the expenses of a Parish Council and of a parish meeting shall be paid out of the poor rate.

Sec. 12. A Parish Council may, with the consent of the County Council and the Local Government Board, borrow money—

For purchasing land or buildings;

For any purpose for which the Council are authorised to borrow under any of the Adoptive Acts; and

For any permanent work which they are authorised to do.

Sec. 13. Parish Councils and District Councils may give or withhold consent to the stopping, diversion or repair of public footpaths and roads. (See p. 66.)

Sec. 14. Property held for purposes of public recreation ground, or of public meetings, or of allotments, may be transferred to Parish Council.

They may take the place of overseers as trustees of parochial charities; and

Also, may take the place of vestry in appointing trustees of such charities.

Sec. 15. A Rural District Council may delegate to a Parish Council any power which may be delegated to a Parochial Committee under the Public Health Acts.

Sec. 16. Where a Rural District Council have failed to provide proper sewerage and water supply, or to repair any highway, the Parish Council may complain to the County Council, and the County Council may do the necessary works, or appoint some person to perform those duties.

Parish Officers and Parish Documents.

Sec. 17. (1) A Parish Council may appoint one of their number to act as clerk of the Council without remuneration.

(2) If no member of the Parish Council is appointed so

to act, and there is an assistant overseer, he, or such one of the assistant overseers, if more than one, as may be appointed by the Council, shall be the clerk of the Parish Council, and the performance of his duties as such shall be taken into account in determining his salary.

(3) If there is no assistant overseer, the Parish Council may appoint a collector of poor rates or some other fit person to be their clerk, with such remuneration as they may think fit.

(4) A Parish Council shall not appoint to the office of vestry clerk.

(5) When a Parish Council act as a Parochial Committee by delegation from the District Council, they shall have the services of the clerk of the District Council, unless the District Council otherwise direct.

(6) The Parish Council may appoint one of their own number, or some other person, to act as treasurer without remuneration, and the treasurer shall give such security as may be required by regulations of the County Council.

(7) All documents required by statute or by standing orders of Parliament to be deposited with the parish clerk of a rural parish, shall, after the election of a Parish Council, be deposited with the clerk, or if there is none, with the chairman of the Parish Council, and the enactments with respect to the inspection of, and taking copies of, and extracts from any such documents, shall apply, as if the clerk, or chairman, as the case may be, were mentioned therein.

(8) The custody of the registers of baptisms, marriages, and burials, and of all other books and documents containing entries wholly or partly relating to the affairs of the Church, or to ecclesiastical charities, except documents directed by law to be kept with the public books, writings, and papers of the parish, shall remain as provided by the

existing law, unaffected by this Act. All other public books, writings and papers of the parish, and all documents directed by law to be kept therewith, shall either remain in their existing custody, or be deposited in such custody as the Parish Council may direct. The incumbent and churchwardens on the one point, and the Parish Council on the other, shall have reasonable access to all such books, documents, writings, and papers as are referred to in this Sub-section, and any difference as to custody or access shall be determined by the County Council.

(9) Every County Council shall from time to time inquire into the manner in which the public books, writings, papers and documents under the control of the Parish Council or parish meeting are kept, with a view to the proper preservation thereof, and shall make such orders as they think necessary for such preservation, and those orders shall be complied with by the Parish Council or parish meeting.

Supplemental Provisions as to Elections and Polls and Tenure of Office.

Sec. 48. (1) The election of a Parish Councillor shall be at a parish meeting, or at a poll consequent thereon.

(2) Rules formed under this Act by the Local Government Board in relation to elections shall, notwithstanding anything in any other Act, have effect as if enacted in this Act, and shall provide, amongst other things—

(i.) For every candidate being nominated in writing by two parochial electors as proposer and seconder and no more;

(ii.) For preventing an elector at an election for a union, or for a district not a borough, from subscribing a nomination paper, or voting in more than one parish or other area in the union or district;

(iii.) For preventing an elector at an election for a parish divided into parish wards from subscribing a nomination paper or voting in more than one ward;

(iv.) For fixing or enabling the County Council to fix the day of the poll, and the hours during which the poll is to be kept

open, so, however, that the poll shall always be open between the hours of six and eight in the evening;

(v.) For the polls at elections held at the same date and in the same area being taken together, except where this is impracticable;

(vi.) For the appointment of returning officers for the elections.

(3) At every election, regulated by rules formed under this Act, the poll shall be taken by ballot, and the Ballot Act, 1872, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and Sections 74 and 75, and Part IV. of the Municipal Corporations Act, 1882, as amended by the last-mentioned Act (including the penal provisions of those Acts), shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election. Provided that— 35 and 36 Vict., c. 33. 47 and 48 Vict., c. 70. 45 and 46 Vict., c. 50.

(*a*) Section 6 of the Ballot Act, 1872, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to, free of charge, for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and

(*b*) Section 37 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

(4) The provisions of the Municipal Corporations Act, 1882, and the enactments amending the same, with respect to the expenses of elections of Councillors of a borough, and to the acceptance of office, resignation, re-eligibility of holders of office, and the filling of casual vacancies, and Section 56 of that Act, shall, subject to the adaptations, alterations, and exceptions made by the said rules, apply in the case of Guardians and of District Councillors of a

county district not a borough, and of members of the Local Board of Woolwich, and of a vestry under the Metropolis Management Acts, 1855 to 1890, and any Act amending the same. Provided that—

(*a*) The provisions as to resignation shall not apply to Guardians, and District Councillors of a rural district shall be in the same position with respect to resignation as members of a Board of Guardians; and

(*b*) Nothing in the enactments applied by this Section shall authorise or require a returning officer to hold an election to fill a casual vacancy which occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, and the vacancy shall be filled at the next ordinary election; and

(*c*) The rules may provide for the incidence of the charge for the expenses of the elections of Guardians being the same as heretofore.

(5) If any difficulty arises as respects the election of any individual Councillor or Guardian, or member of any such Local Board or vestry as aforesaid, or auditor, and there is no provision for holding another election, the County Council may order a new election to be held, and give such directions as may be necessary for the purpose of holding the election.

(6) Any ballot-boxes, fittings, and compartments provided by or belonging to any public authority for any election (whether Parliamentary, County Council, Municipal, School Board, or other) shall, on request, and if not required for immediate use by the said authority, be lent to the returning officer for an election under this Act, upon such conditions and either free of charge, or, except in the prescribed cases, for such reasonable charges as may be prescribed.

(7) The expenses of any election under this Act shall not exceed the scale fixed by the County Council, and if at the beginning of one month before the first election under this Act, a County Council have not framed any such scale for their county, the Local Government Board may frame a scale for the county, and the scale so framed shall apply to the first election, and shall have effect as if it had been made by the County Council, but shall not be alterable until after the first election.

(8) This Section shall, subject to any adaptations made by the said rules, apply in the case of every poll consequent on a parish meeting, as if it were a poll for the election of Parish Councillors.

Supplemental Provisions as to Overseers.

Sec. 50. If, in the case of a rural parish or of any urban parish in respect to which the power of appointing overseers has been transferred under this Act, notice in the prescribed form of the appointment of overseers is not received by the Guardians of the Poor Law Union comprising the parish within three weeks after the fifteenth day of April, or after the occurrence of a vacancy in the office of overseer, as the case may be, the Guardians shall make the appointment or fill the vacancy, and any overseer appointed by the Guardians shall supersede any overseer previously appointed, whose appointment has not been notified. Any such notice shall be admissible as evidence that the appointment has been duly made.

Effect on Parish Council of Constitution of Urban District.

Sec. 54. (1) Where a new borough is created, or any other new urban district is constituted, or the area of an urban district is extended, then—

(*a*) As respects any rural parish or part of a rural parish which will be comprised in the borough or urban district, provision shall be made, either by the constitution of a new parish, or by the annexation of the parish or parts thereof to another parish or

parishes, or otherwise, for the appointment of overseers, and for placing the parish or part in the same position as other parishes in the borough or district; and

(*b*) As respects any parish or part which remains rural, provision shall be made for the constitution of a new Parish Council for the same, or for the annexation of the parish or part to some other parish or parishes, or otherwise for the government of the parish or part; and

(*c*) Provision shall also where necessary be made for the adjustment of any property, debts, and liabilities affected by the said creation, constitution, or extension.

(2) The provision aforesaid shall be made—

(*a*) Where a new borough is created by a scheme under Section 213 of the Municipal Corporations Act, 1882;

(*b*) Where any other new urban district is constituted by an order the County Council under Section 57 of the Local Government Act, 1888;

(*c*) Where the area of an urban district is extended by an order of the Local Government Board under Section 54, or of the County Council under Section 57, as the case may be, of the Local Government Act, 1888.

(3) Where the area of an urban district is diminished, this Section shall apply with the necessary modifications.

PART II. OF FIRST SCHEDULE.

RULES APPLICABLE TO PARISH COUNCILS.

(1) Every Parish Councillor shall at the first meeting after his election, or if the Council at the first meeting so

permit, then at a later meeting fixed by the Council, sign, in the presence of some member of the Council, a declaration that he accepts the office, and if he does not sign such a declaration, his office shall be void.

(2) If any casual vacancy arises in the Council, the Council shall forthwith be convened for filling the vacancy.

(3) The first business at the annual meeting shall be to elect a chairman, and to appoint the overseers.

(4) The chairman may at any time convene a meeting of the Parish Council. If the chairman refuses to convene a meeting of the Council after a requisition for that purpose signed by two members of the Council has been presented to him, any two members of the Council may forthwith, on that refusal, convene a meeting. If the chairman (without so refusing) does not, within seven days after such presentation, convene a meeting, any two members of the Council may, on the expiration of those seven days, convene a meeting.

(5) Three clear days at least before any meeting of a Parish Council, notice thereof, specifying the time and place of the intended meeting, and the business to be transacted at the meeting, and signed by or on behalf of the chairman of the Parish Council, or persons convening the meeting, shall be given to every member of the Parish Council, and in case of the annual meeting, notice specifying the like particulars shall be given to every member of the Parish Council immediately after his election.

(6) Any notice required by law to be given to the chairman, or any other member of the Parish Council, may be left at or sent by post to the usual place of abode of such chairman or member.

(7) No business shall be transacted at any meeting of a Parish Council unless at least one-third of the full number of members are present thereat, subject to this qualification, that in no case shall the quorum be less than three.

(8) The names of the members present at any meeting of the Parish Council, as well as of those voting on each question on which a division is taken, shall be recorded, so as to show whether each vote given was for or against the question.

(9) Every question at a meeting of a Parish Council shall be decided by a majority of votes of the members present and voting on that question.

(10) In case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

(11) The Parish Council may, if they think fit, appoint one of their number to be vice-chairman, and the vice-chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman.

(12) The proceedings of a Parish Council shall not be invalidated by any vacancy among their members, or by any defect in the election or qualification of any members thereof.

(13) A Parish Council shall hold not less than four meetings in each year, of which one shall be the annual meeting, and every such meeting shall be open to the public, unless the Council otherwise direct.

(14) Every cheque or other order for payment of money by a Parish Council shall be signed by two members of the Council.

(15) Any notice required to be given to or served on a Parish Council, may be given to or served on the clerk to the Parish Council.

(16) The Parish Council may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally, or in respect of any special proceeding by any resolution of the Council, and their clerk or any member or officer shall, if so authorised, be at liberty to institute and carry on any proceeding which the Parish Council are authorised to institute and carry on.

FIRST SCHEDULE—PART III.

GENERAL.

(1) Minutes of the proceedings of every Parish Council and parish meeting shall be kept in a book provided for that purpose.

(2) A minute of proceedings at a meeting of a Parish Council, or of a committee of a Parish or District Council, or at a parish meeting, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(3) Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

(4) Any instrument purporting to be executed under the hands, or under the hands and seals of the chairman, and of two other members of a Parish Council or of a parish meeting, shall, until the contrary is proved, be deemed to have been duly so executed.

(5) Subject to the provisions of this Act, a Parish Council may make, vary, and revoke standing orders for the regulation of their proceedings and business, and of the proceedings and business at parish meetings for a rural parish having a Parish Council.

(6) Where there is no Council for a rural parish, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

PART IV.

Proceedings of Committees of Parish or District Councils.

(1) The quorum, proceedings, and place of meeting of a committee, whether within or without the parish or district, and the area (if any) within which the committee are to exercise their authority, shall be such as may be determined by regulations of the Council or Councils appointing the committee.

(2) Subject to such regulations, the quorum, proceedings, and place of meeting, whether within or without the parish or district, shall be such as the committee direct, and the chairman, at any meeting of the committee, shall have a second or casting vote.

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CHAPTER VIII.

PARISH MEETINGS.

THE Parish Councils Act enacts that—

There shall be a parish meeting for every rural parish, and a Parish Council for every rural parish which has a population of 300 or upwards, under certain provisions.

The persons entitled to attend and vote at the parish meeting are "parochial electors," defined as being "the persons registered in such portion either of the local government register of electors, or of the parliamentary register of electors, as relates to the parish". Parochial electors constitute the electorate for "*Parish Councillors*," "*Guardians*," "*District Councillors*," and "*Metropolitan Vestrymen and Auditors*".

Each parochial elector may at any parish meeting or at any poll consequent thereon give one vote and no more on any question, or in the case of an election for each of any number of persons not exceeding the number to be elected.

The parish meeting shall assemble at least twice in every year, and the proceedings of every parish meeting shall begin not earlier than six o'clock in the evening.

Subject to the provisions of the Act as to any particular person being the chairman, the meeting may choose their own chairman.

A poll consequent on a parish meeting shall be taken by ballot.

At the annual assembly, the parish meeting shall choose a chairman for the year, and if he is absent, or unwilling,

or unable to take the chair, the meeting may appoint some other person to act.

Provisions as to small Parishes.

Sec. 19. In a rural parish not having a separate Parish Council, the following provisions shall, as from the appointed day, but subject to provisions made by a grouping order, if the parish is grouped with some other parish or parishes, have effect:—

(1) At the annual assembly, the parish meeting shall choose a chairman for the year;

(2) The parish meeting shall assemble not less than twice in each year;

(3) The parish meeting may appoint a committee of their own number for any purposes which, in the opinion of the parish meeting, would be better regulated and managed by means of such a committee, and all the acts of the committee shall be submitted to the parish meeting for their approval;

(4) All powers, duties, and liabilities of the vestry shall, except so far as they relate to the affairs of the Church or to ecclesiastical charities, or are transferred by this Act to any other authority, be transferred to the parish meeting;

(5) The power and the duty of appointing the overseers, and of notifying the appointment, and the power of appointing and revoking the appointment of an assistant overseer, shall be transferred to and vest in the parish meeting, and the power given by this Act to a Parish Council of appointing trustees of a charity in the place of overseers or churchwardens, shall vest in the parish meeting;

(6) The chairman of the parish meeting and the overseers of the parish shall be a body corporate by the name of the chairman and overseers of the parish, and shall have perpetual succession, and

may hold land for the purposes of the parish without licence in mortmain; but shall in all respects act in manner directed by the parish meeting, and any act of such body corporate shall be executed under the hands, or if an instrument under seal is required, under the hands and seals of the said chairman and overseers;

(7) The legal interest in all property which under this Act would, if there were a Parish Council, be vested on the appointed day in the Parish Council shall vest in the said body corporate of the chairman and overseers of the parish, subject to all trusts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite to give effect to this enactment;

(8) The provisions of this Act, with respect to the stopping or diversion of a public right-of-way, or the declaring of a highway to be unnecessary and not repairable at the public expense, and with respect to a complaint to a County Council of a default by a District Council, shall apply, with the substitution of the parish meeting for the Parish Council;

(9) A rate levied for defraying the expenses of the parish meeting (when added to expenses under any of the Adoptive Acts) shall not exceed sixpence in the pound in any local financial year;

(10) On the application of the parish meeting, the County Council may confer on that meeting any of the powers conferred on a Parish Council by this Act;

(11) Any Act of the parish meeting may be signified by an instrument executed at the meeting under the

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hands, or, if an instrument under seal is required, under the hands and seals of the chairman presiding at the meeting, and two other parochial electors present at the meeting.

Parish Meetings and Elections—Removal of Disqualification of Married Women.

Sec. 43. For the purposes of this Act, a woman shall not be disqualified by marriage for being on any local Government register of electors, or for being an elector of any local authority, provided that a husband and wife shall not both be qualified in respect of the same property.

Register of Parochial Electors.

Sec. 44. (1) The local Government register of electors and the Parliamentary register of electors so far as they relate to a parish shall, together, form the register of the parochial electors of the parish; and any person whose name is not in that register shall not be entitled to attend a meeting and vote as a parochial elector; and any person whose name is in that register shall be entitled to attend a meeting or vote as a parochial elector, unless prohibited from voting by this or any other Act of Parliament.

(2) Where the parish is in a Parliamentary borough, such portion of the Parliamentary register of electors for the county as contains the names of persons registered in respect of the ownership of any property in the parish shall be deemed to form part of the Parliamentary register of electors for the parish within the meaning of this section.

(3) The lists and register of electors in any parish shall be framed in parts for wards of urban districts and parishes in such manner that they may be conveniently used as lists for polling at elections for any such wards.

(4) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one register of parochial electors.

(5) Where in that portion of the Parliamentary register of electors which relates to a parish, a person is entered to vote in a polling district other than the district comprising

the parish, such person shall be entitled to vote as a parochial elector for that parish, and in addition to an asterisk there shall be placed against his name a number consecutive with the other numbers in the list.

(6) Where the revising barrister in any list of voters for a parish would—

(*a*) In pursuance of Section 7 of the County Electors Act, 1888, place an asterisk or other mark against the name of any person; or 51 Vict., c. 10

(*b*) In pursuance of Section 4 of the Registration Act, 1885, erase the name of any person otherwise than by reason of that name appearing more than once in the lists for the same parish; or

(*c*) In pursuance of Section 28 of the Parliamentary and Municipal Registration Act, 1878, as amended by Section 5 of the Registration Act, 1885, place against the name of a person a note to the effect that such person is not entitled to vote in respect of the qualification contained in the list, 41 and 42 Vict., c. 26. 48 and 49 Vict., c. 15.

the revising barrister shall, instead of placing that mark or note, or erasing the name, place against the name, if the person is entitled to vote in respect of that entry as a county elector or burgess, a mark signifying that his name should be printed in division three of the list, or if he is entitled to vote only as a parochial elector, a mark signifying that he is entitled to be registered as a parochial elector, and the name so marked shall not be printed in the Parliamentary register of electors, but shall be printed, as the case requires, either in division three of the local Government register of electors, or in a separate list of parochial electors.

(7) Where the name of a person is entered both in the ownership list and in the occupation list of voters in the same parish, and the revising barrister places against that

name a mark or note signifying that the name should be printed in division three of the lists, an asterisk or other mark shall be there printed against the name, and such person shall not be entitled to vote as a parochial elector in respect of that entry.

(8) Such separate list shall form part of the register of parochial electors of the parish, and shall be printed at the end of the other lists of electors for the parish, and the names shall be numbered consecutively with the other names on those lists, and the law relating to the register of electors shall, with the necessary modifications, apply accordingly, and the lists shall, for the purposes of this Act, be deemed to be part of such register.

(9) Any person may claim for the purpose of having his name entered in the parochial electors' list, and the law relating to claims to be entered in lists of voters shall apply.

(10) The clerk of the County Council or town clerk, as the case may be, shall, in printing the lists returned to him by the revising barrister, do everything that is necessary for carrying into effect the provisions of this Section with respect to the persons whose names are marked by the revising barrister in pursuance of this Section.

Supplemental Provisions as to Parish Meetings.

Sec. 45. (1) Subject to the provisions of this Act, parish meetings shall be held on such days, and at such times and places, as may be fixed by the Parish Council, or if there is no Parish Council, by the chairman of the parish meeting.

(2) If the chairman of the Parish Council is present at a parish meeting, and is not a candidate for election at the meeting, he shall, save as otherwise provided for by this Act, be the chairman of the meeting.

(3) The chairman of the Parish Council, or any two Parish Councillors, or the chairman of the parish meeting, or any six parochial electors, may at any time convene a parish meeting.

For supplemental provisions as to elections, polls, and tenure of office, see Sec. 48, in the Chapter on "Parish Councils," page 90.

Provision as to Parish Meeting for part of Parish.

Sec. 49. Where a parish meeting is required or authorised in pursuance of this Act to be held for a ward or other part of a parish, then—

(*a*) The persons entitled to attend and vote at the meeting, or at any poll consequent thereon, shall be the parochial electors registered in respect of qualifications in that ward or part; and

(*b*) The provisions of this Act, with respect to parish meetings for the whole of a parish, including the provisions with respect to the convening of a parish meeting by parochial electors, shall apply as if the wards or part were the whole parish.

Supplemental Provisions as to Overseers.

Sec. 50. If, in the case of a rural parish, or of any urban parish in respect to which the power of appointing overseers has been transferred under this Act, notice in the prescribed form of the appointment of overseers is not received by the Guardians of the Poor Law Union comprising the parish within three weeks after the fifteenth day of April, or after the occurrence of any vacancy in the office of overseer, as the case may be, the Guardians shall make the appointment or fill the vacancy, and any overseer appointed by the Guardians shall supersede any overseer previously appointed whose appointment has not been notified. Any such notice shall be admissible as evidence that the appointment has been duly made.

Public Notices.

Sec. 51. A public notice given by a Parish Council for the purposes of this Act, or otherwise for the execution of their duties, and a public notice of a parish meeting shall be given in the manner prescribed for giving notice of vestry meetings, and by posting the notice in some conspicuous place or places within the parish, and in such

other manner (if any) as appears to the Council or to the persons convening the meeting desirable for giving publicity to the notice.

Supplemental Provisions as to Transfer of Powers.

Sec. 52. (1) Any power which may be exercised, and any consent which may be given by the owners and ratepayers of a parish, or by the majority of them under any of the Acts relating to the relief of the poor or under the School Sites Act or the Literary and Scientific Institutions Act, 1854, so far as respects the dealing with parish property, or the spending of money or raising of a rate, may, in the case of a rural parish, be exercised or given by the parish meeting of the parish.

12 and 13 Vict., c. 112.

(2) In a rural parish, the power of making an application or passing a resolution given by Section 12 of the Elementary Education Act, 1870, and by Section 41 of the Elementary Education Act, 1876, to the electing body mentioned in the former Section shall be transferred to the parish meeting of the parish, and shall, in cases under the latter Section, be exercisable by the like majority of the parish meeting, and, if a poll is taken, of the parochial electors, as is required by that Section in the case of the said electing body, and Rule 2 of the Second Part of the Second Schedule to the former Act with respect to the passing of such resolutions shall not apply.

33 and 34 Vict., c. 75. 39 and 40 Vict., c. 70.

(3) The consent of Justices shall not be required for the sale of land belonging to a parish which has been used for materials for the repair of highways, or for the purchase of land with the proceeds of any such sale.

(4) Where the legal estate in any property is vested in the churchwardens and overseers of any parish by virtue of the Poor Relief Act, 1819, nothing in the Charitable Trusts Acts, 1853 to 1891, shall be deemed to require the consent of such churchwardens and overseers in their capacity as a Corporation under that Act, or of the Parish Council as

59 Geo. III., c. 12.

their successors, to a vesting order under those Acts dealing with the said legal estate. Provided that nothing in this Section shall affect any of the rights, powers, or duties of the churchwardens and overseers or the Parish Council, in cases where they have active powers of management.

(5) All enactments in any Act, whether general, or local, and personal, relating to any powers, duties, or liabilities transferred by this Act to a Parish Council or parish meeting from Justices, or the vestry, or overseers, or churchwardens and overseers, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if any reference therein to Justices, or to the vestry, or to the overseers, or to the churchwardens and overseers, referred to the Parish Council or parish meeting as the case requires, and the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

Supplemental Provisions as to Adoptive Acts.

Sec. 53. (1) Where on the appointed day any of the Adoptive Acts is in force in part only of any rural parish, the existing authority under the Act, or the parish meeting for that part, may transfer the powers, duties, and liabilities of the authority to the Parish Council, subject to any provisions with respect to the execution thereof by means of a committee as to the authority or parish meeting may seem fit, and any such conditions may be altered by any such parish meeting.

(2) If the area on the appointed day under any authority, or under any of the Adoptive Acts, will not after that day be comprised within one rural parish, the powers and duties of the authority shall be transferred to the Parish Councils of the rural parishes wholly or partly comprised in that area, or, if the area is partly comprised in an urban district, to the Parish Council and the District Council of the urban district; and shall, until other pro-

vision is made in pursuance of this Act, be exercised by a Joint Committee appointed by those Councils. Where any such rural parish has not a Parish Council, the parish meeting shall, for the purposes of this provision, be substituted for the Parish Council.

(3) The property, debts, and liabilities of any authority under any of the Adoptive Acts whose powers are transferred in pursuance of this Act, shall continue to be the property, debts, and liabilities of the area of that authority, and the proceeds of the property shall be credited, and the debts and liabilities and the expenses incurred in respect of the said powers, duties, and liabilities shall be charged to the account of the rates or contributions levied in that area, and where that area is situate in more than one parish, the sums credited to and paid by each parish shall be apportioned in such manner as to give effect to this enactment.

(4) The County Council, on the application of a Parish Council, may, by order, alter the boundaries of any such area if they consider that the alteration can properly be made without any undue alteration of the incidence of liability to rates and contributions, or of the right to property belonging to the area, regard being had to any corresponding advantage to persons subject to the liability or entitled to the right.

Power to change Name of District or Parish.

Sec. 55. (1) Where a parish is divided or united or grouped with another parish by an order in pursuance of this Act, each new parish or group so formed shall bear such name as the order directs.

(2) When a parish is divided by this Act, each parish so formed shall bear such name as the County Council direct.

(3) Any District Council may, with the sanction of the County Council, change their name and the name of their district.

(4) Every change of name made in pursuance of this

Section shall be published in such manner as the authority authorising the change may direct, and shall be notified to the Local Government Board.

(5) Any such change of name shall not affect any rights or obligations of any parish, district, council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be continued or commenced as if there were no change of name.

Place of Meeting of Parish or District Council or Board of Guardians.

Sec. 61. No parish meeting, or meeting of a Parish Council, or of a District Council, or of a Board of Guardians shall be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

Construction of Act 51 and 52 Vict., c. 41.

Sec. 75. (1) The definition of "parish" in Section 100 of the Local Government Act, 1888, shall not apply to this Act, but, save as aforesaid, expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the said Act.

(2) In this Act, unless the context otherwise requires, any reference to population means the population according to the census of 1891.

The expression "parochial elector," when used with reference to a parish in an urban district, or in the county of London or any county borough, means any person who would be a parochial elector of the parish if it were a rural parish.

The expression "election" includes both the nomination and the poll.

The expression "vestry" in relation to a parish means the inhabitants of the parish whether in vestry assembled or not, and includes any select vestry either by statute or at common law.

FIRST SCHEDULE—PART I.

RULES APPLICABLE TO PARISH MEETINGS.

(1) The annual assembly of the parish meeting shall be held on the twenty-fifth day of March in each year, or within seven days before or after that day.

(2) Not less than seven clear days before any parish meeting public notice thereof shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the chairman of the Parish Council or other conveners of the meeting.

(3) If the business relates to the establishment, or dissolution of a Parish Council, or the grouping of a parish, or the adoption of any of the Adoptive Acts, not less than fourteen days' notice shall be given.

(4) A parish meeting may discuss parish affairs, and pass resolutions thereon.

(5) Every question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present and voting on the question, and the chairman shall announce his decision as to the result, and that decision shall be final unless a poll is demanded.

(6) A poll may be demanded at any time before the conclusion of a parish meeting.

(7) A poll may be demanded by any one parochial elector in the case of a resolution respecting any of the following matters, namely:—

(*a*) Any application, representation, or complaint to a County Council or District Council;

(*b*) The appointment of a chairman for the year, or of a committee, or the delegation of any powers or duties to a committee, or the approval of the acts of a committee;

(*c*) The appointment of an overseer, the appointment or revocation of the appointment or dismissal of an assistant overseer or a parish officer;

(*d*) The appointment of trustees or beneficiaries of a charity;

(*e*) The adoption of any of the Adoptive Acts;

(*f*) The formation or dissolution of a School Board;

(*g*) The consent or refusal of consent to any act, matter, or thing which cannot by law be done without that consent;

(*h*) The incurring of any expense or liability;

(*i*) The place and time for the assembly of the parish meeting;

(*k*) Any other prescribed matter;

but, save as aforesaid, a poll shall not be taken unless either the chairman of the meeting assents, or the poll is demanded by parochial electors present at the meeting not being less than five in number or one-third of those present, whichever number is least.

(8) In case of an equal division of votes at a parish meeting, the chairman shall have a second or casting vote.

(9) Where a parish meeting is held for the election of Parish Councillors, opportunity shall be given at the meeting for putting questions to such of the candidates as are present, and receiving explanations from them; and any candidate shall be entitled to attend the meeting and speak thereat, but, unless he is a parochial elector, not to vote.

(10) If the chairman of the parish meeting is absent from or unwilling or unable to take the chair at any assembly of the parish meeting, the meeting may appoint a person to take the chair, and that person shall have, for the purpose of that meeting, the powers and authority of the chairman.

(11) Any notice required to be given or served on a parish meeting may be given to or served on the chairman of the parish meeting.

CHAPTER IX.

PUBLIC MEETINGS.

A Code of Rules and Regulations for public meetings whose forms of proceedings are not governed by any statutory power.

Public Meetings are called for very many purposes, the order of proceeding in which is not defined by any legal authority, and to meet these cases a code of rules is submitted, which, if acted on, will be found adequate to the requirements on all ordinary occasions.

Each rule is given separately, with comments on it, and the reasons which render it necessary, and the whole are summarised at page 133.

These rules, although not an exact reproduction of any of the rules herein cited, are formed on the same general lines as most of those used by legalised bodies, adapted for the particular use of unauthorised bodies.

THE CHAIRMAN: HIS DUTIES AND POWERS.

Rule 1. That a chairman be appointed.

In the formation of a meeting, the first business to be transacted is the appointment of a chairman.

If the meeting consists of persons all having an equal right to preside, any person may propose any other person to take the chair, and on its being seconded, the proposer, in the absence of an official, such as clerk or secretary, puts the proposition to the meeting. If there be an official present, he puts it, and on its being carried, the person who

has put it declares the fact, and the chairman takes his seat.

The appointment of chairmen of *County Councils, Parish Councils,* and other bodies acting under statutory authority has been treated of in the respective chapters relating to those particular bodies.

In *Societies* having a president and vice-presidents, the president takes the chair as of right, and in his absence any other member may propose a vice-president, or if there be none such present, any other member to take the chair.

In *Companies,* and other such bodies having a chairman and vice-chairman, a similar rule is followed.

In *Meetings of Creditors* it is usual to appoint one of those most largely interested to be chairman.

It may sometimes occur that where there is no official chairman, several persons are proposed for the office, and if there are two, the proposer of the first motion, or an official if present, should put each name to the vote, and the one who obtains the greatest number of votes will be elected: but if there are more than two names proposed, a show of hands for each may be taken, or a poll if called for, and by striking off the name having the least number of votes, and repeating the process until only one is left, that one will have the votes of a majority, and be elected. A majority is generally understood to mean a majority of those voting. Or another course may be adopted. Pass round a slip of paper to every one present, then read out the names of those proposed, and ask the voters each to write down the name of the person for whom he votes, and hand it to the person acting as Returning Officer, who will count and call the votes, and strike off those having the least number, as before, until only one is left, who will be elected.

There are very few men in the present day who have

not been called upon at some time or other to preside at a meeting, and to such as are not accustomed to the routine of public business it is an awkward position.

The Chairman is often chosen, either from his knowledge of public business, or for the great stake he has in the question at issue; and in either case it is desirable that he should open the proceedings by stating why the meeting has been called, or generally his opinion on the subject to come before the meeting, and at the same time explain the manner in which the business should be conducted. He may give advice as to what should be done, and what should be avoided, and announce his intention to adhere strictly to the ordinary rules of debate. All this he may do without showing any partisanship, and if done with becoming dignity and confidence, will tend largely to a successful issue.

The duties of a chairman are:—

To see that the meeting is properly constituted;

That his own appointment is regular;

That all legal requirements are observed;

That all questions are brought forward in proper order;

That all persons present have an opportunity of speaking on every question, and to determine the order in which they shall speak;

To keep the discussion to the matter in hand;

To forbid a second speech;

Not to permit a speech that is not to a distinct question;

To put motions and amendments to the meeting in their proper order;

To declare the result of a show of hands, and of a poll if held;

To see that the combined opinion of the majority present is properly ascertained and expressed in the resolutions carried.

The chairman's *authority* should be absolute. Silence should ensue, and all should remain sitting when the chairman rises to speak, that his voice may be heard without interruption. His powers are:—

To enforce order;

To speak to any question, or move any resolution;

To adjourn a meeting, and fix a time and place for a poll if demanded;

To vote on any question according to his qualification;

To decide by his casting vote any question on which there may be an equal division;

To take a vote of the meeting, if desirable, as to binding each speaker to the occupation of the meeting for not more than a specified period;

To adjourn the meeting when it is impossible to maintain order by vacating the chair;

To consider and determine any points of order that may be raised before him;

And generally to rule the meeting with impartiality and discretion, so that an orderly and well-defined result may be obtained.

The Chairman's Vote.

Rule 2. *The Chairman* shall have in addition to his ordinary vote a second or casting vote in the event of the division resulting in a tie.

The chairman has a right to vote in all cases on the first division, but he should do so before the numbers are ascertained. Suppose there is a meeting consisting of fifteen persons besides the chairman, eight voting one way, and seven the other. If he were not entitled to vote in the first instance, his qualification—whether as shareholder, creditor, ratepayer, or even as one of the public—would not be represented; and as he is generally selected, either by

reason of his superior ability or position, his opinion or influence would not be taken into account.

In all recent legislation, such as the Acts relating to County Councils, Parish Councils, etc., this principle is recognised.

Notice and Constitution of Meeting.

Rule 3. The notice calling the meeting to be read, and the chairman to see that the meeting is properly constituted.

This may be done by different methods, according to the nature of the qualification, and the numbers attending. In public Boards the members are generally known to each other and to the officials. In companies and societies by arranging for each person to sign his name in the lobby and comparing it with the register; in meetings of ratepayers by having an alphabetical list and ticking off the names on it as they pass in; and at meetings of creditors by receiving proofs of debts. Also by presentation of invitation tickets.

Confirmation of Minutes.

Rule 4. The minutes of the last ordinary meeting, and of any special meetings since held, to be read and confirmed, —*i.e.*, declared to be an accurate record of the proceedings of the last previous meeting.

The object of confirming the minutes is not to discuss again any questions that were decided at the previous meeting, but to verify the minutes as being a correct record of what then took place, and if incorrect, to amend them. As persons who were not present at the last meeting can have no personal knowledge of what then took place, only those who were then present can vote on this question. It is usual with many chairmen to put the question thus:

"You have heard the minutes read; those who were present at the last meeting, and are of opinion that they are correct, will each hold up a hand". And afterwards, "On the contrary". If a majority are in favour of the accuracy of the minutes, the chairman will sign them as being correct; but if not a motion should be made, seconded, and put, specifying in what respect they shall be amended. In some societies, the reverse of this course is adopted, and resolutions passed at one meeting can be discussed at the next, on their merits, when the minutes are brought up for confirmation. But this practice is fraught with serious objections, as the process may be repeated at the following meeting, and so on *ad infinitum*. Another objection is that a small meeting may annul what a larger meeting has passed. Material assistance in this proceeding is afforded to chairmen by the adoption of the following precaution, namely that the original agenda paper which formed the basis of the minutes should be always at hand when the minutes are being verified, as supplying the best check upon their accuracy. Another mode of obtaining this result is a rule that at the close of each sitting the minutes thereof should be read over and confirmed, and that this proceeding should take place before the meeting separates. This sound usage has received legislative sanction, as entries of proceedings of meetings held under the Metropolis Local Management Act must "be signed by the members present or any two of them". In cases where meetings are only held after long intervals, it appears particularly desirable that the minutes should be verified before the meeting breaks up.

Doubt has been raised whether a committee can ratify the minutes of proceedings held at a general meeting of the whole association; for instance in the case of an annual general meeting of an institution which appoints the officers

and working committee for the ensuing year, those minutes must remain unverified until the next annual meeting unless the committee be deemed competent to do so. It has been suggested that without confirmation the minutes are inoperative. Such an idea is hardly tenable. Still, if difficulty arose, it might be desirable to empower the committee to verify the minutes taken at the annual general meeting.

In some societies there is a rule forbidding any former resolution being upset, except by a vote of two-thirds of the members. It is more desirable to forbid the raising of any question other than that of accuracy when the minutes are brought forward for confirmation; any criticism on the merit or demerit of a resolution should be raised only by notice being given and placed on the agenda.

Order of Business.

Rule 5. The business arising out of the notice calling the meeting, or the previous minutes, as the case may be, to be next taken.

If there is any order prescribed by the notice or authority convening the meeting, that order must be followed; but if there is no such order, the business will follow the order in which the resolutions having reference to it are moved.

If the meeting is one of a series, the business adjourned from the last meeting, or arising out of its minutes, should be taken in hand in the same order as it appears on those minutes.

Then any correspondence or reports that may have been received in the interval should be taken; and lastly any new business of which notice has been given, or that may be moved without notice.

MOTIONS.

Rule 6. All motions shall be made in the order in which they appear on the agenda paper.

For the convenience of any prominent person (such as the chairman of the meeting, or the chairman of a committee) who has charge of any particular business, it is customary to vote precedence for his business.

It is convenient to arrange the order of business on an agenda sheet prepared in duplicate, one for the chairman and the other for the clerk or secretary. The chairman's copy will enable him to see the order in which the business is coming on, and to make his private notes on the various points likely to arise; and the clerk's copy or a rough minute book should contain a correct record of everything that occurs, so that it may be copied into the minute book fairly, after the meeting is over.

This rough copy should be before the chairman when the minutes are brought up for confirmation, in case any question of incorrectness should arise. In meetings of large bodies, it is usual and convenient to have the agenda printed and circulated among the members previous to the meeting, with the reports of any committees that have been held since the previous general meeting.

RESOLUTIONS.

Rule 7. All propositions must be in writing, and handed to the chairman, with the name of the mover, and must be seconded.

If it be customary to print the agenda, the notices of motion should have been recorded, and should be moved in their proper order, but amendments may be handed in at any time.

When this rule has been complied with, the motion will be fairly before the meeting for debate, and it should in

all cases be in the affirmative, as a negative vote on a negative question would lead to no result.

If a motion is not seconded it becomes null, *and should not be recorded on the minutes.* If there is no debate on the subject, and no amendment, the chairman will put the question to the vote thus, "The question is that (following the words of the motion)," and then, "All those in favour of the proposition will signify the same by each holding up a hand". And after the number has been counted, "On the contrary". He then declares the proposition to be *carried* (in which case it becomes a *resolution*), or to be *lost.*

Withdrawing Motions.

Rule 8. A motion once before the meeting cannot be withdrawn without the consent of the members present.

A motion made and seconded becomes the property of the meeting, and can only be withdrawn with the unanimous consent of the members present, and on the application of the mover and seconder, and if any amendment has been made to it which is still before the meeting, that should also be withdrawn; but if the mover or seconder of the amendment will not give way, the motion must remain until the amendment is disposed of. The consent to withdraw should be unanimous; if not, any one present may press for a division.

Dividing a Motion.

Rule 9. The chairman shall have power to divide a motion into several portions, and take a separate vote on each.

It will sometimes occur that a chairman should be able to exercise this power, in order to simplify the form in which a motion shall be brought before a meeting, and such

a division will also clear the way for the opponents of a measure, who may wish to oppose one part and not another.

The various parts may each be separately proposed and seconded, and, when carried, may be fitted together, and, if desirable, put as one motion, but a vote to that effect should be first taken.

Negatived Motions.

Rule 10. Negatived motions not to be brought forward again.

A motion which has been negatived either directly or indirectly by the passing of an amendment should not be brought forward again until after the expiration of some fixed time, say three or six months, and notice thereof should be given to all persons entitled to attend.

Amendments.

Rule 11. After a motion has been made and seconded, amendments may be moved.

It frequently happens that one of the most troublesome matters a chairman has to deal with is in putting propositions and amendments to the meeting; and it requires a clear knowledge of the mode of procedure, and frequently a considerable degree of firmness on the part of the chairman in maintaining his rule. He will, however, generally find that, if he puts before the meeting the course to be pursued clearly, and does not allow his ruling to be interfered with, he will get the support of the majority, and then should have no difficulty. When it is proposed to amend a motion, it will sometimes happen that the amendment first proposed will not be the one to stand first in order, if accepted, for the reason that other amendments, though moved at a later stage, apply to an earlier part of the motion.

The chairman should decline such an amendment at the time at which it is proposed, and take any amendment affecting an earlier paragraph in the motion, and after that has been got rid of, call upon the proposer of the amendment, which has been temporarily stopped, to proceed with it. An amendment is usually proposed to improve the motion. It ought not to be a direct negative, as that result would be better arrived at by a vote against the motion, but it must be to amend. Still, an amendment to move the negative is allowed on formal notice having been given on the business paper, as a means of informing members that the motion is to be opposed.

Amendments are of three kinds :—

1. To *omit* certain words.
2. To *add* certain words.
3. To *omit* certain words, in order to *add* or *insert* certain other words.

To offer a counter proposition, in any other than one of these three forms, is to propose a new question which is not admissible. The amendment should, like the motion, be in writing, and handed to the chairman, with the name of the mover, and the particular words it is proposed to omit, add, or alter should be stated on it. Any person present who has not already spoken on the subject may move it, and it must be seconded, or, like the proposition, it falls through, and should not be recorded. After it has come fairly before the meeting, it should be read by the chairman, and the debate on the motion and the amendment will proceed together. A convenient method of conducting a debate is to call upon the advocates and opponents of a question to speak alternately. This is the course usually adopted in the Houses of Parliament, but not always.

Where the amendment is to *omit* certain words, the chairman will put it, "That the words proposed to be

omitted (naming them) stand part of the question," and will take the vote "yea" or "nay". If carried in the affirmative, the amendment is rejected, and it will then be necessary to put the original motion as it was proposed; but if carried in the negative, the words proposed will be omitted, and the original motion, as amended, will be put.

If the amendment should be to *add* certain words, the chairman will put it, "That the words (naming them) be added," and if carried, the original motion with the added words will be put; but if not carried, the motion will be put as it originally stood.

If the amendment should be to *omit* certain words in order to *add* certain other words, the chairman will put it, "That the words (naming them) be omitted, in order to add the words (naming them also)". In this case, if the first question be carried in the affirmative, it becomes a substantive motion, and should be put as such; but if the amendment is rejected, the chairman will put the original motion "yea" or "nay".

Amendment Carried.

Rule 12. When an amendment has been carried, which supersedes an original motion, it must be put again in the amended form as a substantive motion.

Before it is put as a substantive motion, a fresh debate may take place upon it, which every person has a right to speak to, whether he has spoken previously or not, and amendments to it may be proposed, but as soon as it has been put and resolved, no further amendment can be made, either on it or on the original motion.

Two Amendments.

Rule 13. There should not be two amendments before the meeting at one time.

It is the practice in some societies to have several amendments proposed one after the other, and to take the last first, and so on back to the first; but it is a cumbersome and complicated system, not only as to the amendments, but also as to the debates which may take place on them, and it is far preferable to dispose of one amendment, either by throwing it out, or if carried by making it a substantive motion, when another amendment can be proposed.

An amendment must be relevant to the motion, and must be stated to the chairman before the mover speaks on it. No person can move more than one amendment on any proposition (although he may second another amendment), and no words that have been amended in a proposition can be again interfered with.

Show of Hands.

Rule 14. Voting to be by show of hands.

When a debate on a motion has terminated by the mover having spoken in reply, the chairman should put the question by calling for a show of hands, first in favour of, and then against the motion. If the votes are equal, he is at liberty to give a casting vote (see Rule 2). If he is unwilling to do so, the motion should be deemed not to have been carried. It therefore drops just as though it had not been moved.

Priority of Speech.

Rule 15. Every person shall stand when speaking, and shall address the chairman, and the chairman shall determine who has the priority of speech.

Every person has a right to speak to the question before the meeting, or when he is about to make a motion, or explanation, or ask a question, and when two or more rise together it is for the chairman to determine who shall have precedence.

Right to Speak.

Rule 16. Every person shall have the right to speak once to any motion or amendment, and once only, except the mover of a motion, who has a right to reply.

This rule is generally relaxed when a person wishes to ask a question, or to make a personal explanation.

The rule provides for the right of reply in favour of the mover of a proposition, who, when no one else desires to speak, is entitled to speak again before the motion is put to the meeting; but in replying he should confine himself to answering the arguments that have been used against the motion, without the introduction of any fresh matter. Every one may speak to an amendment although he may have previously spoken to the original proposition, but the mover of an amendment has no right of reply.

The chairman should keep every speaker strictly to the question before the meeting, or great difficulty and confusion will arise. If this is not done promptly, some person will probably rise to order, which in such case would look like reminding the chairman of his duty, and would detract from his dignity and authority.

Speaking to Order.

Rule 17. Appeals on points of order are to be made to the chairman, and decided by him.

Although a person can only speak once to any question, yet during a debate some other question may arise which it is necessary should be disposed of forthwith, and for this purpose the debate may be interrupted until the point of order is decided, and every one has the right to speak on it, although he has previously spoken on the subject before the meeting. Any person may under the control of the chairman speak shortly in personal explanation when no other person is addressing the meeting; but he should preface his

explanation by a short statement of what is to be explained, and should strictly confine himself to the personal explanation.

Among *points of order* would be the following:—

That something irregular or informal has been, or is being, done.

That a speaker is using improper language, or speaking on a question that has been already decided, or that what he is saying is irrelevant.

That there is not a quorum present.

That the motion is not within the scope of the meeting.

That there is no question before the meeting, and other such matters, that a chairman must use his discretion in dealing with, for it is he alone who must determine the point of order by his ruling, and not the meeting.

After the chairman's decision, the meeting will resume the business at the place where it was interrupted, unless that course should have been interfered with by the decision on the point of order.

Committees.

Rule 18. Meeting may appoint committees either to act or to inquire and report.

Any meeting may appoint a committee of a certain number of its members, or may resolve itself into a committee for transacting any business that may be better done under the procedure of a committee, which is somewhat different from that of a general meeting; and the business may be anything that the general meeting is competent to deal with.

The motion for a committee must define the object for which it is to be appointed, and should state the number of persons to be on it; and it is usual for the mover to name

the persons whom he wishes on it, although the latter is sometimes made the subject of a separate motion. When any person named on the committee is objected to, the question must be put to the vote, and if there are more persons nominated than it is proposed to appoint, the election may either be by show of hands, or by paper ballot, as has been already pointed out with regard to the election of a chairman (see page 113), and those having the least number of votes struck off the list until the proper number is arrived at.

A committee may, by the resolution appointing it, be given power to take action, or what is the more general course, instructed to inquire and report.

It may be given power to add to its number, and may be added to by the general body at any time, unless there is a standing rule to the contrary.

The general body in appointing it should state how many are to form a quorum. All the rules of debate must be observed in committee, with the following exceptions: Any member may speak sitting, and as often as he chooses on any subject, and motions and amendments may be put without being seconded.

A committee also differs from a general body with regard to voting. In many meetings, such as those consisting of shareholders and ratepayers, voters have a *plurality* of votes according to their qualification, but in committees of such bodies each member has only *one* vote, and the chairman has only a casting vote.

It is customary, but not absolute, for the mover of the reference to a committee to be elected chairman of that committee, unless he declines. In committee, propositions may be made subject to amendments, as is the case with propositions in the general body, and upon the resolutions passed in committee, a report is drawn up. Any member

of a committee may move to amend the report, but when carried by a majority it is treated as a report of the whole, unless permission be given by the general body for the minority to represent their views, which is occasionally done, the minority attaching their names to the explanation or note of exception.

After the report has been agreed to, it is usually laid before the general body by the chairman or some other member of the committee, with a motion from him, "That the report be now received". After this has been seconded and carried, it is before the meeting for discussion, and a proposition should be made, "That the report be adopted". This may be either wholly or partially, but the report having been drawn up by the committee, cannot be added to by the general body. If adopted, power is frequently given to the committee to carry out the course they have recommended; if not adopted, it should be referred back to them to reconsider.

When it is proposed to adopt part only of a report, it should be read paragraph by paragraph, and each paragraph considered as standing in the position of a substantive motion, and proposed, seconded, and voted on as such. The various paragraphs that have been passed should then be put together to form the report, and a motion made and carried, "That the report, as amended, be now adopted".

A committee having only a delegated authority to do a particular thing, should not go beyond its powers; but in case it becomes necessary to go into matters not included in the reference, should apply to the general body for an extension of its powers.

Sub-Committees.

Rule 19. Sub-committees to report to full committees.

Sub-committees are often appointed by full committees to consider and report, but it should always be understood

that they are only a branch of that body, and should report to them, and not to the general body. The full committee, after having received the report of the sub-committee, should include it in their report to the general body. The existence of a sub-committee expires with the existence of the full committee who created it.

Chairman on all Committees.

Rule 20. The chairman to be a member of all committees.

This is a very necessary rule, it being desirable that the chairman should have full knowledge of what is going on in every department, as he may, at any time, be asked a question which, without such knowledge, he could not reply to.

Adjournments.

Rule 21. Motion may be made to adjourn the meeting or the debate.

It is competent for any person who has not spoken on the subject before the meeting to move at any time without notice, "That this meeting do now adjourn," and the motion will take precedence of any question under discussion, and, when seconded, should be put to the vote without debate, unless it is withdrawn. If the motion is carried another should follow it, naming the time and place at which the adjourned meeting will be held.

If the meeting is one of a series, any person who has spoken on the subject may move the adjournment of the debate until the next meeting, and on its being seconded it should be put at once.

No person should be allowed to move or second more than one motion for adjournment of the same debate.

Notice of Motions.

Rule 22. Notice in writing to be given to the chairman of important motions.

If the chairman should be of opinion that a motion is of such importance as to require notice to be given of it, and should object to put it in consequence, an appeal may be made to the meeting against his ruling; and any such motion may be considered and discussed, if the meeting so decide, as a matter of emergency.

The following motions may be made without notice:—

For appointing a chairman.

For receiving, entering on the minutes, carrying out, or referring back any reports.

For reading or answering any correspondence or other document.

For hearing any applicant or evidence.

For the precedence of any particular business.

For appointing any future business for the consideration of any future meeting.

For appointing committees and nominating the members thereof.

And any matter that is urgent. (See also the regulations of the London School Board in this respect, p. 154.)

Rescinding Resolutions.

Rule 23. No resolution shall be rescinded unless notice of the proposed rescission shall have been given.

It is not possible for a meeting which has passed a resolution to rescind it. It may be done at some subsequent meeting, but should always be done with great care. In many Acts of Parliament and Charters of Incorporation there is a clause enabling it; but there is always a provision made that due notice be previously given to all persons interested, and that a certain time shall have elapsed after the passing of the resolution. The obvious reason of this is that no one should be taken by surprise, and that a

rescission should not be snatched at a small meeting. After a resolution has been rescinded, care should be taken that notice of the fact is given to all concerned.

Of the Previous Question.

A proposal to this effect is often resorted to in order to set aside a motion, without either amendment, postponement, negation, or further discussion thereon. It is usually treated as an amendment which takes precedence of all other amendments. There are propositions which cannot be deemed useless or unwise, which cannot absolutely be pronounced unsuitable and irrelevant to the purpose of the meeting, and which, therefore, the chairman cannot take upon himself to prohibit.

The motion for the *previous question* is a contrivance to get rid of a proposition of this sort, without either calling on the chairman to do so ungracious a thing as to prohibit the discussion, or on the meeting to vote on it. It is, in short, a contrivance to elude the further discussion of a proposition. Its nature is this: A motion being made and seconded is to be put to the vote if no person rises to oppose it. No person may be willing to put himself in the situation of an opponent to such a proposition; for it may affirm a series of undeniable truths but lead to no practical result, and it is for results that men meet in debate; or it may be irrelevant to the purpose of the meeting, and yet have a semblance of propriety, so as to make its impropriety questionable; or, lastly, it may be absurd.

A man of sense and spirit does not like to put himself in opposition to a proposition such as any of those which we have supposed. And yet he, and, as he may perceive, a majority of the meeting, may wish to get rid of it.

The step then to be taken is to move the *previous question*, which question although never directly put, save

in an urgent case of this kind, is always understood to have been put and carried in the affirmative, previous to a meeting entering on the discussion of any motion whatever. And the moving of the *previous question* is the moving, "That this meeting do now proceed with the discussion of the motion before it"; the mover of this being desirous that the meeting should decide that it should not so proceed. And in conformity with this desire he votes against his own motion, seeking thereby to throw out the objectionable proposition.

A member may state some of his objections to a motion and move the *previous question* thereon; which motion on being seconded, the chairman without further discussion ought to put to the meeting somewhat in these words: "The motion before the meeting is (*here he should recite the original motion*). It is now moved that we should proceed with the discussion of this motion; those who are for so proceeding will signify such desire in the usual way, and those who so desire the contrary."

By this mode of proceeding may a meeting, at any time, in a regular and orderly manner set aside a motion which it may deem useless or otherwise unworthy of discussion.

The above description of this process shows how unfit it is for the purpose. A far better way of dealing with such a motion would be to move, "That the decision on this question be postponed *sine die*'

Termination of a Meeting.

As soon as the business is over, the chairman should vacate the chair, as a sign that the meeting is at an end, and also to avoid other subjects being discussed which do not properly belong to the meeting.

SUMMARY.

A CODE OF RULES

for public meetings not under statutory authority :—

1. That a chairman be appointed.

2. The chairman shall have, in addition to his ordinary vote, a second or casting vote, in the event of the division resulting in a tie.

3. The notice calling the meeting to be read, and the chairman to see that the meeting is properly constituted.

4. The minutes of the last ordinary meeting, and of any special meetings since held, to be read and confirmed, *i.e.*, declared to be an accurate record of the proceedings of those meetings.

5. The business arising out of the notice calling the meeting, or the previous minutes, as the case may be, to be next taken.

6. All motions shall be made in the order in which they appear on the agenda paper.

7. All propositions must be in writing, and handed to the chairman, with the name of the mover, and must be seconded.

8. A motion once before the meeting cannot be withdrawn without the consent of the members present.

9. The chairman shall have power to divide a motion into several portions, and take a separate vote on each.

10. Negatived motions not to be brought forward again.

11. After a motion has been made and seconded, amendments may be moved.

12. When an amendment has been carried which supersedes an original motion, it must be put again in the amended form as a substantive motion.

13. There should not be two amendments before the meeting at one time.

14. Voting to be by show of hands.

15. Every person shall stand when speaking, and shall address the chairman ; and the chairman shall determine who has the priority of speech.

16. Every person shall have the right to speak once to any motion or amendment, and once only, except the mover of a motion, who has a right to reply.

17. Appeals on points of order are to be made to the chairman and decided by him.

18. Meeting may appoint committees either to act or to inquire and report.

19. Sub-committees to report to full committees.

20. The chairman to be a member of all committees.

21. Motion may be made to adjourn the meeting or the debate.

22. Notice in writing to be given to the chairman of important motions.

23. No resolution shall be rescinded unless notice of the proposed rescission shall have been given.

CHAPTER X.

THE ADOPTIVE ACTS.

In addition to the duties, powers and privileges conferred on the Public Man directly by the Parish Councils Act, there are certain powers which may be put in force by what are therein called the Adoptive Acts, which have been passed from time to time for the purpose of contributing to the comforts, conveniences and enjoyments of the public. They are:—

a. The Lighting and Watching Act, 1833 (3 and 4 Will. IV., c. 90).

b. The Baths and Washhouses Acts, 1846 to 1882 (9 and 10 Vict., c. 74, and 45 and 46 Vict., c. 30).

c. The Burial Acts, 1852 to 1885 (15 and 16 Vict., c. 85, and 48 and 49 Vict., c. 21).

d. The Public Improvements Act, 1860 (23 and 24 Vict., c. 30), and

e. The Public Libraries Act, 1892 (55 and 56 Vict., c. 53).

All these Acts were originally adoptive, and were intended to place it within the power of ratepayers in parishes to put them in force if they thought proper. As the whole system of parish meetings has been altered by the Parish Councils Act, it has been found necessary to transfer to parish meetings held under that Act power to adopt the several Acts above referred to.

Section 7 of the Parish Councils Act provides that—

(1) As from the appointed day in every rural parish the parish meeting shall, exclusively, have the power of adopting any of the following Acts, inclusive of any Acts

amending the same (all which Acts are in this Act referred to as the Adoptive Acts), namely:—

The Acts referred to above.

(2) Where under any of the said Acts a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act, the like majority of the parish meeting, or, if a poll is taken, of the parochial electors, shall be required, and where under any of the said Acts the opinion of the voters is to be ascertained by voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided by this Act.

(3) Where under any of the Acts the consent or approval of, or any other act on the part of, the vestry of a rural parish is required in relation to any expense or rate, the parish meeting shall be substituted for the vestry, and for this purpose the expression "vestry" shall include any meeting of ratepayers or voters.

(4) Where there is power to adopt any of the Adoptive Acts for a part only of a rural parish, the Act may be adopted by a parish meeting held for that part.

(5) Where the area under any existing authority, acting within a rural parish in the execution of any of the Adoptive Acts, is co-extensive with the parish, all powers, duties, and liabilities of that authority shall, on the Parish Council coming into office, be transferred to that Council.

(6) This Act shall not alter the incidence of charge of any rate levied to defray expenses incurred under any of the Adoptive Acts, and any such rate shall be made and charged as heretofore, and any property applicable to the payment of such expenses shall continue to be so applicable.

(7) When any of the Adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a Parish Council, the Parish Council shall be the authority for the execution of the Act.

(8) For the purpose of this Act the passing of a resolu-

tion to provide a burial-ground under the Burial Acts, 1822 to 1885, shall be deemed an adoption of those Acts.

The Lighting and Watching Act.

The first of these Adoptive Acts was passed in 1833, and under its provisions great improvements were made, and great precautions taken, for safeguarding the lives and property of the public, chiefly in suburban districts. Watchmen were appointed, fire escapes provided, lamps erected, gas-pipes laid down, and powers given to Inspectors under the Act to contract for lighting streets and roads with oil or gas. Coming into force a few years after the introduction of gas for public lighting, this Act conferred great benefits on the inhabitants of such localities, and having stood the test of sixty years' application may now be adopted by parish meetings in remote parishes, and the privileges of the public thereby greatly enhanced. Power is given to the authority to prevent the escape of gas—to convey away the washings of gas-works—to prevent the pollution of rivers, streams, wells, and sewers, and to do many other acts that if carried out would tend to the public benefit.

The appointment and control of watchmen and constables devolved upon the Inspectors in such parishes as adopted the Act for the first few years after its passing; but when the general Act for establishing county police came into force, the action of the Inspectors was no longer necessary in this respect; and their duties are now restricted to lighting their district, to the care of the fire engines, and to prevent the pollution of rivers by the refuse from gas-works. The latter duty is frequently overlooked.

Baths and Washhouses Act.

The second of the Adoptive Acts is "An Act to encourage the establishment of Public Baths and Wash-

houses," and the preamble states that it is desirable for the health, comfort and welfare of the inhabitants of towns and populous districts to encourage the establishment therein of public baths and washhouses, and open bathing places. It enacts, "That this Act may be adopted for any incorporated borough in England, which is regulated under an Act passed in the sixth year of the reign of His late Majesty, to provide for the regulation of municipal corporations, or any charter granted in pursuance of the said Act, or any Act passed for the amendment thereof, and also with the approval of one of *Her Majesty's principal Secretaries of State*, or in any parish in England not within any such incorporated borough".

Under its powers councils and boroughs may erect public baths and washhouses, and open bathing places—may purchase existing baths—and commissioners and trustees of water works, water companies, canal companies, gas companies, and other bodies may grant supplies of water or gas for such public baths, either without charge, or on such other terms as they shall think fit. The expenses of executing the Act in any parish may be paid out of the rate for relief of the poor, after applying the income arising from the baths towards the expenses. There is also power to councils to borrow, and to public works loan commissioners to lend, money for the purposes of the Act.

The amending Acts are the Baths and Washhouses Acts, 1847, 1878 and 1882.

By these Acts, baths for the labouring classes are to be supplied at the following charges, including towel:—

Cold bath, or cold shower bath, not exceeding	One penny
Warm bath, or warm shower bath	Twopence
For children, under 8, four bathing together	Twopence
Warm bath, or warm shower bath	Fourpence

Baths of any higher class not exceeding three times the above charges.

Open Bathing Places.

Where several persons bathe in the same water, for each person, One penny.

Washhouses for the Labouring Classes.

For the use by one person of one washing tub or trough, and of a copper or boiler (if any), or, where one of the washing tubs or troughs shall be used as a copper or boiler, for the use of one pair of washing tubs or troughs, and for the use of the convenience for drying :—

For one hour, not exceeding . . . . One penny
For two hours, not exceeding . . . . Threepence

THE BURIAL ACTS, 1852 to 1885.

No less than twelve Acts have been passed in this period having reference to burials. Under these Acts powers are given to close old burial grounds and provide others, to appropriate land belonging to parish, to purchase other land, to lay out cemeteries, build chapels, to sell rights in vaults, erect monuments, and do many other important works. The first Act was "to amend the Laws concerning the Burial of the Dead in the Metropolis" only; but by subsequent Acts similar powers were given "concerning the Burial of the Dead in England, beyond the limits of the Metropolis". Provision is made for the formation of burial boards, the appointment of officers, and the making of rates; also to frame regulations, charge fees, etc.

THE PUBLIC IMPROVEMENTS ACT, 1860, is

"An Act to enable a majority of two-thirds of the ratepayers of any parish or district, duly assembled, to rate their district in aid of Public Improvements for general benefit within their district," and enacts that —

It shall be lawful for the ratepayers of any parish maintaining its own poor, the population of which, according to the last account from time to time taken thereof by the

authority of Parliament, exceeds 500 persons, to purchase or lease lands, and to accept gifts and grants of land for the purpose of forming any public walk, exercise or play ground, and to levy rates for maintaining the same, and for removal of any nuisances or obstruction to the free use and enjoyment thereof, and for improving any open walk or footpath, or placing convenient seats, or shelters from rain, and for other purposes of a similar nature.

The last of the Adoptive Acts referred to is 55 and 56 Vict., c. 53, and is "An Act to consolidate and amend the Law relating to Public Libraries".

Adoption of Act and Constitution of Library Authority.

1. (i.) This Act shall extend to every library district for which it is established.

(ii.) For the purposes of this Act, and subject to the provisions thereof, every urban district, and every parish in England and Wales which is not within an urban district, shall be a library district.

2. This Act may be adopted for any library district, subject to a condition that the maximum rate or addition to a rate to be levied for the purposes of this Act in the district, or in any defined portion of the district, in any one financial year shall not exceed one halfpenny, or shall not exceed three farthings in the pound, but such limitation if fixed at one halfpenny may be subsequently raised to three farthings or altogether removed, or where it is for the time being fixed at three farthings may be removed.

Power is given where the Act is adopted to provide libraries, museums and schools of science and of art.

Thus under these Adoptive Acts the comforts and conveniences of the public may be greatly enhanced, provision being made for Lighting and Watching, Bathing and Washing, Recreation, Study, and finally Burying.

CHAPTER XI.

SCHOOL BOARDS.

SCARCELY any phase of public life affords the variety which is experienced in connection with School Boards. The best evidence in elucidation of this statement may be found in a bare skeleton recital of the duties allotted to the several committees who have to "masticate" the material which the Board has afterwards to digest and assimilate. Those who are not familiar with those details will doubtless, on perusal of the following list of duties of members of the London School Board, recognise that few positions offer greater opportunities for public usefulness and public honour. The *raison d'être* of a School Board career is here given.

Proceedings for Election of Members.—Simply put: The Education Department of the Judicial Committee of the Privy Council appoint a deputy Returning Officer in each of the divisions into which the Metropolis is mapped out, with a chief over them, under the designation of Returning Officer, to whom each of the deputies makes his returns of the elections in the several divisions. Each deputy advertises the details of the proposed elections, and the schoolrooms or public buildings in which the votes are to be recorded, according to the place of voters' residences.

Intending candidates (male or female) must be nominated by two ratepayers about twenty-one days (at the discretion of the Department) prior to the date of election, and they may decline the contest about fourteen days prior

to the election, failing which their names are published, and they become responsible *pro rata* for the costs of the election, in addition to such expenditure as they may incur privately in publishing their claims.

In the case of School Board elections alone (as distinct from all other public elections) the members are returned by the *cumulative vote*, *i.e.*, each voter (ratepayer, whether man or woman) is entitled to give as many votes as there are members to be elected in the division.[1] Thus, if *six* members are to be elected in a division, each ratepayer may record *six* votes, and either distribute such votes as he thinks fit—say, three for one candidate, two for another, one for another; or one for each of six candidates, or in any other way, so that only *six votes* in all be recorded. Or, all the six votes may be *accumulated* on one candidate. This provision is made in the interest of minorities, so that a particular candidate representing a special interest, say, of a special religious denomination, or temperance, etc., may possibly be elected by his supporters "plumping" all their votes on that one candidate.

At the close of the election the votes are scrutinised, and a return of the votes recorded in each separate division is made by each deputy to the chief Returning Officer, who forwards all the returns to the Education Department; and the Department publishes them. Then a Board meeting is fixed, and a preliminary meeting is held, when a temporary chairman is elected from among themselves to conduct the proceedings until a permanent chairman and a permanent vice-chairman shall have been elected.

Proceedings of the Board.—The chairman and the vice-chairman having been elected, the first great business

[1] There are 11 divisions, each returning a number of members in proportion to the population, and the rateable value; the number of members being 55 in all.

is to gauge the general work to be done and to divide it up into sections, each section being allotted to a Standing Committee composed of a number of members to be agreed upon. In the case of London, there are six Standing Committees, these being sub-divided for special purposes into about forty sub-committees, each being answerable to the main committee to which it belongs, the latter having to digest the matters presented to them, and to finally report their recommendations to the full Board, at which every important question has to be considered. These Standing Committees are: (*a*) School Accommodation and Attendance; (*b*) Works; (*c*) School Management; (*d*) Finance; (*e*) General Purposes; (*f*) Industrial Schools.

(*a*) *School Accommodation and Attendance.* — The first business of this committee is that of ascertaining the number of children for whom school provision has to be made; and the next is to take means for securing that every child of school age attends some suitable and efficient school. The process of the first is to gauge the extent of population in each division, to find how many children attend schools of known fitness, and deduct these from the gross number requiring public elementary education, the difference representing those for whom Board schools must be provided. The old dame schools, and the insanitary and weakly taught, have practically been closed, as attendance in such places is counted in law as non-attendance. Some admirable private schools, however, remain, a list of which is kept, and these are counted as "efficient" provision. This committee has to take into account all schools of a denominational character; thus, if Roman Catholic, or High Church, or other denominational schools abound in a district, and parents have a conscientious objection to sending their children there, it would be a question as to the number of children these should be

counted for as "suitable". Then they will determine what Board School accommodation is desirable, and recommend the Board accordingly; and the Board at one of its regular meetings will determine to what extent they will make a recommendation to the Education Department at Whitehall.

This Department is armed with powers to watch the interests of existing schools, to give them fair play, and to see that they are not driven out of existence by Board Schools recommended for partisan purposes. When the Education Department and the Board are agreed on the subject, another phase of the business of this committee comes to the front.

It is convenient at this stage to describe the second duty of this committee (although this cannot be carried out until a later period, when the schools are in working order). It is to secure the regular attendance of children at some "suitable" and "efficient" school, suitable in character and giving the kind of education which is compulsory for schools claiming to earn a grant from Government, and efficient in sanitation, cubic measure of space per child, etc. This is worked by the employment of "visitors," attendance officers who keep a record of children in their own district, whose attendance at school is recorded in a return by the schoolmaster, the unrecorded children being then in writing or print required to be sent by their parents, failing which the latter are prosecuted before a magistrate for neglect, etc.

This salutary law has been the means of improving the bad and careless habits of many low-class mothers who were formerly addicted to remaining in bed after the husband had gone to his employment at an early hour, the children not having been sent to school at the required time. The prosecution of the father led to a discovery of the mother's negligence, and thus the child has been the gainer.

(*b*) *Works' Committee.*—The first duty is to discover suitable sites for Board Schools, which shall not interfere with existing voluntary schools, the selection of which sites must be approved by the Education Department as a protection against interference with existing institutions. The Board has power to take sites compulsorily, on terms to be agreed upon between the Board and all persons having an interest in the property—freeholders, householders, occupiers, etc.; and in the event of terms not being mutually agreed to, the Board can enforce terms by arbitration. The committee then instruct their architect to prepare plans suitable for the number of children to be accommodated, and also to suit the shape of the site; the plans being approved, the committee to proceed to advertise for tenders and to engage contractors to erect the building, pave the surrounding land, provide means of sanitation, engage clerks of works, caretakers, etc.

(*c*) *School Management.* — This is necessarily the strongest of the committees, as it governs the affairs of about 470 schools (with 1310 departments); about 10,000 teachers (the proportion being about two females to one male); and over 500,000 children. Before the establishment of School Boards (1870), the number of children receiving public elementary education (chiefly in National or Church Schools) was about 262,000, now in non-Board Schools being thus educated there are 270,000, and in Board Schools, 500,000; so that the number of children being thus educated has been multiplied by three or thereabouts during a quarter of a century. Their duties include, primarily, the furnishing the schools with desks, furniture, books, slates, blackboards, and all the paraphernalia of teaching; the selection and control of teachers (head and assistant), each of whom is subject to the veto of the Education Department, who keep a register of all teachers with a

record of their career. Out of the subjects possible to be taught (some of which, such as reading, writing, and arithmetic, are compulsory), they select such as are specially suitable to the children of the whole district, all of which must be approved by the Government inspector, as also the amount of time to be devoted to each subject, which is recorded on the time-table hung up in the school.

Members are expected to visit these schools from time to time, and to attend periodical meetings of local managers, *i.e.*, people in the locality of a school who are appointed by the Board to "keep an eye" on the schools, and, virtually, to manage them for the Board. There are about 2000 of these local managers under the Board.

The schools are free, but Government makes grants to compensate for the abolition of fees equal to about ten shillings per head, and the children in schools earn according to their fitness under the annual examination under the Government Inspector an average of one pound per head for success in various subjects. The remaining income to meet all expenses is obtained from the rates in Board Schools, and from private subscription in voluntary schools. This committee, too, has charge of deaf, dumb, and blind children. They also have charge of Evening Continuation Schools, which are primarily intended to afford a somewhat advanced education to enable those who leave the day school to continue their education in the evening.

There are 270 of these evening schools, having 26,000 pupils on the roll, with an average attendance of 16,000. A quarter of a century ago the education given in the public elementary schools did not, as a rule, rise above what is known as the three R's—reading, writing, and arithmetic. Now it has been expanded in the New Code, so as to include a range of subjects, proficiency in a knowledge of which will fit a boy or girl for practical life in a sense that

few private schools afforded a few years ago. To enumerate them all would fill pages; enough to say that the best of training is given in kindergarten and the simplest forms of spelling and reading to infants. Then from seven to fourteen years, each year develops a higher range of subjects, beginning with the three R's and wading through literature, commercial calculations, mathematics, geometry, history, elementary science, etc.; domestic economy, laundry, cooking, and housewifery for girls; woodwork, metalwork, etc., for boys.

(*d*) *Finance.* — Here is a most responsible business, although less arduous than any of the foregoing. The negotiation of loans (now amounting to about £10,000,000) to provide the means of building schools, etc., the interest and repayment spreading over thirty and fifty years (as the case may be) is a gigantic undertaking which calls for good financial experience. As these schools are to last for the use of some future generations, it is deemed right that future ratepayers shall pay their estimated proportion of the cost. This committee has to pay all salaries of teachers and officers, all claims from builders, publishers, and the various classes of tradespeople who supply the Board. They issue precepts on the rating authorities every half-year, after having gone through the estimated requirements. This committee is responsible for the payment of over £2,000,000 per annum, and for the working out of most interesting financial statistics. From these we learn that the population of the School Board area is about 4,500,000 persons, and the rateable value of the same area £36,000,000; the number of children educated about 510,000; the gross expenditure about £2,340,000 per annum; the levy of a rate equal to about 1s. in the pound, as supplemental to the Government grants, etc.; the sites for schools cost about £6 14s. per child, and the school buildings

about £12 18s. per child. Then the gross annual cost of educating each scholar is £3 17s. 11d., and the net cost £2 7s. 5d.

(*e*) *General Purposes.*—This committee has duties of the *olla podrida* character—conducting law cases; inquiring into the history and mystery and the application or misapplication of educational endowments; office control, formulation of rules and regulations, petitions, appeals to Parliament and various public bodies; the status and variation of salaries of officers (other than teachers).

There are about 300 officers employed under the control of the head offices on the Victoria Embankment, besides several hundred employed locally in the several divisions in which there is a local office.

(*f*) *Industrial Schools.*—Primarily this committee is charged with carrying out the Industrial Schools Act, so far as children who should be at school are concerned. They employ special officers to seek out children who sleep outdoors at nights, or for any reason (parental neglect, etc.) seem liable to drift into a course of crime, but have not been convicted. These children are taken before a magistrate, who usually orders them to be sent to an Industrial School, at which they remain until they are sixteen years of age, and trained to orderly habits, industrial occupations, and are given an ordinary education. The Board has a number of schools at which such children are boarded, lodged, clothed, and educated; and they contribute towards the furnishing, etc., of some other schools in different parts of the country to which children may be sent at a fixed charge per week or year.

To meet the case of youngsters who may simply be prone to run away from school, special "truant" schools are provided, at which the recalcitrant children are treated similarly to those at Industrial Schools, but from which they

may be liberated at the end of a few weeks, when a "cure" in respect of truant habits is supposed to have been effected.

It will be seen that the duties of a School Board member, as recited under the heads of the several committees, afford abundant occupation for the most earnest and enthusiastic worker in public life. Indeed it is a question whether they do not task the energies more than do the duties of membership in Parliament. The character of the work offers scope for any and every order of mind and intellect, and for the exercise of a wondrous variety of intelligence and experience. Further, the training now given in Board Schools is calculated to stimulate the rising generation to seek walks of public life in accordance with their personal leanings, and to prompt them to share in all the business and pleasure of serving their fellow-citizens and countrymen.

It is not surprising (from a review of the duties stated) that the work of the leading School Board in the country should become a notable example to be followed by many public bodies in the Metropolis and in the provinces. As would be naturally expected the Board's rules and regulations are framed with method, and with a keen anticipation of almost all possible difficulties.

For this reason the rules and regulations of the London School Board are here given; of course they are offered only as a guide, subject to eliminations, modifications, or additions for local or idiosyncratic needs.

The statutes under which School Boards are formed and regulated are the Elementary Education Act, 1870 (33 and 34 Vict., chap. 75); the Elementary Education Act, 1873 (36 and 37 Vict., chap. 86); and the Elementary Education Act, 1876 (39 and 40 Vict., chap. 79); and the following is the form of proceedings prescribed by those

Acts, and the rules and regulations of the School Board for London, which have been made in accordance with them :—

1. "The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the Board, as they think fit, subject to the following conditions :—

(*a*) "The first meeting shall be held on the third Thursday after the election of the Board; and if not held on that day, shall be held on some day to be fixed by the Education Department;

(*b*) "Not less than one ordinary meeting shall be held in each month; but where the Board ordinarily meet more than once in every month, they may, by resolution passed by a majority of not less than two-thirds of the members present, and voting on the question, resolve not to have an ordinary meeting in the months of August and September, or one of those months. One meeting shall be held as soon as possible after every triennial election of members;

(*c*) "An extraordinary meeting may be held at any time on the written requisition of three members of the Board, addressed to the clerk of the Board;

(*d*) "The quorum to be fixed by the Board shall consist of not less than three members, and in the case of the Metropolis, not less than nine members;

(*e*) "Every question shall be decided by a majority of the members present and voting on that question;

(*f*) "The names of the members present, and in the case of a division, the names of those voting on each question, shall be recorded;

(*g*) "No business involving the appointment or dismissal of a teacher, any new expenses, or any payment (except the ordinary periodical payments) or any business which under this Act requires the consent of the Education Department shall be transacted, unless notice in writing of such business has been sent to every member of the Board four days at least before the meeting."

2. "The Board shall at their first meeting, and afterwards from time to time at their first meeting after each triennial election, appoint some person to be chairman, and one other person to be vice-chairman, for the three years for which the Board hold office."

3. "If any casual vacancy occurs in the office of chairman or vice-chairman, the Board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid, shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened."

4. "If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor the vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting."

5. "In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote."

6. "All orders of the Board for payment of money, and all precepts issued by the Board, shall be deemed to be duly executed, if signed by two or more members of the Board authorised to sign them by a resolution of the Board, and

countersigned by the clerk; but in any legal proceedings, it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorised to sign them."

7. "The appointment of any officer of the Board may be made by a minute of the Board, signed by the chairman of the Board, and countersigned by the clerk (if any) of the Board, and any appointment so made shall be as valid as if it were made under the seal of the Board."

The above regulations govern all School Boards. The following are the rules framed and adopted by the School Board for London, and as one would expect from so high an authority are very lucid and complete, and may be taken as a guide for all other School Boards; they are therefore quoted from very freely:—

London School Board Meetings.

1. "Ordinary meetings of the Board shall be held once in each week on Thursday at three o'clock in the afternoon, unless it be otherwise specially ordered by the Board."

2. "Notice of each ordinary meeting of the Board shall be posted by the clerk to each member at his usual address on the Tuesday evening preceding the meeting of the Board. Such notice shall be signed by the chairman or clerk, and shall state the time and place of such meeting and the business to be transacted so far as the same is known in its appointed order."

3. "All matters of business intended for the agenda paper at any order of the Board must be communicated to the clerk of the Board not later than the previous Monday, or received by him by the first post on Tuesday."

4. "In the month of December in each year a tabulated statement shall be prepared and printed, showing the number of Board and committee meetings held, and the total number of attendances of each member during the preceding twelve months ending the 30th November."

5. "The minutes of the proceedings of the Board shall be taken as read, provided a printed copy of such minutes shall have been furnished with the summons to the meeting to each member of the Board." Board Minutes.

8. "At all meetings of the Board, after the minutes have been signed, the business shall, unless otherwise ordered, be proceeded with in the following order:— Order of Business.

(1) "Elections.

(2) "Reception of deputations.

(3) "Sealing of documents.

(4) "Report of Finance Committee recommending the drawing of cheques.

(5) "Questions.

(6) "Motions which, in the opinion of the chairman, are not likely to be opposed, and for which the chairman shall move precedence. If objection be taken by any member, the motion for precedence shall not be quit.

(7) "Business which was adjourned at the previous meeting, with the exception of general motions of which notice had been given, but which were not actually moved.

(8) "Other reports (if any) of the Finance Committee.

(9) "Reports and communications from other committees.

(10) "Reports and communications from officers of the Board.

(11) "Correspondence with the Board, and business brought forward by the clerk, under the special direction of the chairman.

(12) "Motions to refer subjects to a committee for consideration if supported by the signature of ten members. It is not required that the names of the ten members shall be printed; it will be sufficient if the chairman sees that the motion is in order.

"The correspondence referred to in Head 11, and the motions referred to in Head 12, shall, as a general rule, be at once referred to the proper committee on the motion of the chairman of the Board."

Motions and Amendments.

11. "The following motions may be moved without notice:—

"On points of order;

"For dealing with any correspondence or other documents;

"For the precedence of any particular business before four o'clock;

"For appointing any business for the consideration of a future meeting;

"And motions upon any matters of emergency."

11 A. "No motion for precedence shall be moved after four o'clock, unless notice thereof appears on the paper of business, or has been given in writing before four o'clock to the chairman, who at the first opportunity shall announce what notices have been so received by him. This rule shall not apply to any motion for precedence made after four o'clock, if the chairman shall be of opinion that the question is one of emergency."

11 B. "No member moving for the precedence of any particular business shall be allowed to speak for more than five minutes. After the motion has been seconded without a speech, and one member has been heard for not more than five minutes in opposition to the motion, the question shall be at once put without further debate."

12. "Notice of all motions must be put as hereinafter provided."

13. "Every notice of motion shall be given in writing, be signed by the members giving it, and be communicated to the clerk of the Board not later than the Monday preceding the ordinary Board meeting at which it is to be moved, or be received by him by the first post on Tuesday."

14. "A book shall be kept by the clerk in which all notices of motion shall be entered. All such notices shall be dated and numbered as received, and entered in the notice book."

15. "A motion, notice of which is duly inserted in the paper of business, if it be not moved by the Board, either by the member who has given notice, or by some other member in his behalf when it comes on in due course, shall, unless postponed by leave of the Board, be considered as dropped, and shall not be moved without fresh notice. A motion once made and seconded shall not be withdrawn without the consent of the Board."

16. "No notice of motion to rescind any resolution which has been passed within the last six months shall be in order unless in addition to the name of the member who proposes to rescind, the names of nine other members are attached to the notice of motion; but when such notice to rescind has been disposed of by the Board, it shall not be competent to renew the motion within a further period of six months. This rule shall not apply to notices of motion to rescind which are brought up on the report of a committee."

17. "Whenever an amendment is made upon any motion, no second amendment shall be taken into consideration until the first amendment is disposed of. If the amendment be carried, it shall then be put as an original motion, upon which a further amendment may be moved. If the first amendment be negatived, then a further amendment may be moved to the original question, but only one amendment shall be submitted to the Board for discussion at one time.

"All amendments must be relevant to the motion, and must be stated to the chairman before the mover speaks thereon. No member shall be at liberty to move more than one amendment upon any motion."

18. "When a motion for the adjournment of the Board is made, it shall be seconded without a speech, and put by the chairman without debate; and no second motion for the adjournment of the Board shall be made within a period of one hour, unless it be moved by the chairman or vice-chairman of the Board."

19. "No member moving the adjournment of the debate shall be allowed to speak for more than five minutes. After the motion has been seconded without a speech, and one member has been heard for not more than five minutes in opposition to the motion, the question shall be at once put without further debate.

"No second motion for the adjournment of the same debate shall be allowed within one hour of the previous motion for adjournment, unless in the opinion of the chairman the circumstances of the question shall be materially altered.

"No member shall be allowed to move or second more than one motion for adjournment of the same debate."

20. "No member shall be at liberty to move an amendment on a motion for the adjournment of the Board, or for the adjournment of a debate, unless it relate to the question of time. No motion for the adjournment of a debate, nor amendment thereon, shall be admissible which proposes an adjournment over more than one ordinary meeting of the Board. A member speaking to a motion for the adjournment of the Board, or for the adjournment of a debate, or to an amendment on either of these motions, shall confine himself to the question of adjournment."

21. "Every motion or amendment shall be in writing, and must be seconded before it can be discussed or put to the vote."

Previous Question.

22. "A motion of the previous question (*i.e.*—'That the question be now put') shall, for all purposes of order, be dealt with as an amendment.

"It shall take precedence over all other amendments.

"Motion—'That the Board proceed to the next business'."

22 A. "A motion 'That the Board proceed to the next business' can be moved at any time during a debate, whether there be an amendment under discussion or not.

"The member moving the same shall be allowed to speak for not more than five minutes. After the motion has been seconded without a speech, and one member (the mover of the resolution having the preference) has been heard in opposition for not more than five minutes, the question shall be at once put without further debate.

"No second motion to the same effect on the same main question shall be allowed within one hour of the previous motion, unless in the opinion of the chairman, the circumstances of the question shall be materially altered.

"Motion—'That the question be now put'."

22 B. "A motion 'That the question be now put' can be made at any time during a debate which has lasted at least one hour.

"Where an amendment is under discussion, the motion shall apply only to that amendment.

"The member moving the same shall be allowed to speak for not more than five minutes. After the motion has been seconded without a speech, and one member has been heard in opposition for not more than five minutes, the question shall be at once put without further debate.

"If the motion 'That the question be now put' be carried, then if the motion before the Board be the original motion or the first amendment, the chairman shall call upon the mover of the original motion to reply before putting the question."

23. "A member shall not speak more than once on the same motion, amendment, or point of order, except in reply upon the original motion." Speeches.

Reply.

24. "The mover of an original motion shall have the right of reply, and after he shall have commenced his reply no other member shall speak on the question. No new matter shall be introduced by the member in reply. Subject to the preceding rule, and to the rule laid down in Article 26, no question shall be put to the vote while any member present desires to speak, or to move an amendment, if competent to do so."

Questions of Order and Explanations.

25. "Any member may at any time during a debate address the chair, or make any motion on any point of order arising during the debate, but shall not interrupt any member's speech for that purpose, unless the necessity arises out of such speech, of which the chairman shall be the judge.

"Any member may, under the control of the chairman, speak shortly in explanation when no other member is addressing the Board. But he shall preface his explanation by a succinct statement of what is to be explained, and shall strictly confine himself to his explanation."

Divisions.

27. "No division shall take place unless called for by two members of the Board. Where one member only calls for a division, the dissent of that member shall be recorded on the minutes."

PUBLIC SPEAKING.

THE late Sergeant Cox in one of his books remarked that a public speaker should have three qualifications :—

He should have something to say;
He should know how to say it; and
He should know when to sit down.

THE END.

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